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The DEATH of VIRGINIA.

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T H E
ROMAN HISTORY

F R O M T H E
F O U N D A T I O N o f R O M E

T O T H E
B A T T L E o f A C T I U M :

T H A T I S ,
T o t h e E n d o f t h e C O M M O N W E A L T H .

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Paris, Professor of Eloquence in the Royal College, and
Fellow of the Royal Academy of Inscriptions and Belles
Lettres.*

T r a n s l a t e d f r o m t h e F R E N C H .

V O L . I I .

T h e S E C O N D E D I T I O N

I l l u s t r a t e d w i t h M a p s , a n d C o p p e r P l a t e s .

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THE
ROMAN HISTORY.

INTRODUCTION.

THOUGH I have endeavoured in the introduction to the former volume to give some idea of the government of the Roman Commonwealth, I have been far from exhausting that subject, which is of very great extent. For the better knowledge of the genius and character of that government, I conceived it necessary to insert a passage from Polybius in this place, which I have already made use of elsewhere*. I shall annex to it, first, some brief reflections upon the harangues of Livy, and next, for the information of youth, a short series of the principal Epochas, that occur in the history of the Roman republic, which may assist their memory in retaining it.

VOL. II.

B

SECT.

* *In the treatise upon the study of the Belles Lettres.*

SECT. I.

REFLECTIONS OF POLYBIUS.

Upon the different kinds of government, and in particular that of the Romans.

Polyb. l. 6. **T**HE different kinds of government are generally reduced to three: in the first the King governs, which Polybius calls *Βασιλεία*, *Regal Government*; in the second the Great, the Powerful, have the whole authority, which is termed *Aristocracy*; and lastly in the third, called *Democracy*, the whole power vests in the People.

Each of these governments have another kind which much resembles it, borders very near upon it, and into which it often degenerates. We shall mention it in the sequel.

The most perfect government would be That which should include all the advantages, and obviate all the dangers and inconveniences, of the three former.

Such was that of Sparta. Lycurgus, knowing that each of the three sorts of government, of which we have spoke, had its almost inevitable inconveniences; that Monarchy sometimes degenerated into arbitrary and tyrannical Power, Aristocracy into the unjust government of some few particulars, and the power of the People into a blind, capricious, uncertain Rule; that legislator, I say, thought it necessary to include those three kinds of government in that of Sparta, and in a manner to blend them into one, that the royal authority might be balanced by the power of the People; and that a third Order, composed of the elders, and the wisest persons of the republic, might serve as a counterpoise



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poise to the two former, to keep them continually in a kind of *equilibrium*, and to prevent the one from exalting itself too much above the other. He was not mistaken in his views, and no commonwealth ever retained its laws, customs, and liberty, so long as that of Sparta. The institutions of Lycurgus indeed would not have been proper for a State, that intended the making of conquests, and the aggrandizing of its power: whence we may believe, that those were not the ends he proposed in his plan. That wise legislator probably did not make the solid happiness of a people consist in them. His design was, that the Spartans, confining themselves within the bounds of their country, without ever entertaining thoughts of invading the territories of others, should, by their justice and moderation still more than by their power, become the masters and arbiters of the fate of all the other states of Greece; which, in his sense, was no less glorious than to make conquests abroad. They fell from their glory only by departing from these wise views, which, we believe, we may justly ascribe to their Legislator. For when it was necessary to find provisions, equip fleets, pay seamen, and furnish all expenses for a long war out of their country, their iron money was no longer of use to them. And this it was that reduced them, all haughty as they were, servilely to make their Court to the King of Persia's Satrapæ, in order to get money current every where from them, and to become voluntary slaves, till the proper time for subjecting them totally by force.

If, says Polybius, the glory of a state be made to consist in making of conquests, aggrandizing its power, extending its dominions, ruling over many nations, and attracting the

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eyes of the whole earth upon it, it must be confessed, that no government ever had so much the advantage, nor was so well adapted to the attainment of those ends, as that of the Romans. It united in itself, like that of Sparta, the three kinds of government of which we have spoke. The Consuls held the place of Kings: the Senate formed the public council: and the people had a great share in the administration of affairs. There was only this difference between them; it was not by a plan and design concerted from the beginning, but by a kind of casual series of events, that Rome was led on to this form of government. Each of the three parts, which composed the body of the state, had a distinct power. The reader will not be displeased to see a description of them in this place, which may contribute very much to the understanding of the Roman History. Polybius is very extensive and circumstantial upon this head.

Power of the Consuls.

Whilst the Consuls resided at Rome, they had the administration of all the public affairs. All the other magistrates, except the Tribunes of the People, were subordinate (1) to them. All that related to the deliberations of the Senate (2) turned upon them. They introduced ambassadors to it; proposed affairs; and both worded its resolutions, and caused them to be reduced to writing. It was they, who laid them
before

(1) *There was also a kind who had most children.*
of subordination between the (2) *They presided in, and had*
two Consuls: for according to *the government of, the Senate*
the Valerian law, the eldest *in a great measure; and as-*
had the precedence; and ac- *sembled or dismissed it at will.*
cording to the Julian law, he

before the People, who for that purpose summoned the assemblies, in which the common affairs of the state were to be considered, who presented the Decrees of the Senate to them for their examination, and who, according to the importance of things, after an enquiry, which besides required abundance of formalities, concluded according to the Plurality of voices. To them was confided the care of causing the Decrees of the Senate, and the Ordinances of the People passed on their motion, to be put in execution. They presided at the elections of the magistrates of the commonwealth. It was for that purpose they were so often recalled from the army, and both of them seldom permitted to be out of Italy at the same time.

As to what concerns war and military expeditions, the Consuls had an almost sovereign power. They had the care of levying armies, of assigning the number of troops which each of the allies were to supply, and of nominating the officers who were to serve under them. When they were in the field, they had power to condemn and punish without appeal. They disposed of the public money at discretion, and expended what sums they thought proper ; the Quæstor attending them every where, and supplying them out of the fund in his hands with whatever they demanded. To consider the Roman commonwealth therefore in this part of it, one might almost believe it to have been governed by a royal and monarchical authority.

Power of the Senate.

The Senate disposed almost absolutely of the finances and public money. An account was given to them of all the revenues and expences of the state ; and the Quæstors could deliver

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no sum, except to the Consuls, without a decree of the Senate. It was the same in respect to the expences, which the Censors were obliged to be at for keeping up and repairing the public buildings.

The Senate appointed commissioners for taking cognizance of and trying all extraordinary crimes committed at Rome and in Italy, that required the attention and authority of the public: such as treason, conspiracy, poisoning, and murder. The Causes and affairs of private persons or cities that related to the state, were also under its peculiar jurisdiction. It was the Senate that sent embassies, caused war to be declared against the enemies of the commonwealth, granted audience, and gave answers to the deputies and ambassadors of Princes and States. They also sent commissioners to enquire upon the spot into the complaints of the Allies, to regulate limits and frontiers, to establish good order in the provinces, and to decide differences between Kings and States. Hence a stranger, who should have come to Rome in the absence of the Consuls, might have believed the government of the commonwealth entirely aristocratical, that is to say, in the hands of the (1) old and wise.

Power of the People.

The power of the People was however very considerable. The privilege of rewarding and punishing, wherein the most essential part of government consists, vested solely in Them. They often laid fines upon those who had exercised the highest offices; and alone had right to pass sentence of death

(1) Or of the Nobility, from τῶν ἀρίστων κρᾶτος, optimo-
rum, the best, and κρᾶτος, rum, live optimatum potestas.
power; or more properly from

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death upon Roman citizens. In the latter case a custom, very laudable according to Polybius, was observed at Rome. This was, to leave the person accused of a capital crime at liberty to prevent sentence from being passed upon him, and to retire into some neighbouring city, where he passed the rest of his days unmolested in voluntary banishment. The People by their suffrages conferred all offices and dignities, which in a republic are the most illustrious rewards of merit and probity. They alone had right to institute and abolish laws: and, which is still more considerable, war and peace, alliances, treaties, and conventions with foreign States and Princes, were deliberated upon and determined by them. Who would not have thought such a government absolutely popular and Democratical?

Mutual dependance of the Consuls, Senate, and People.

It is this mutual dependance of the different parts of a commonwealth, that constitutes its security, strength, and beauty. From this reciprocal necessity for each other results a kind of harmony between the different members of a state, and an unanimous support and concurrence, which, keeping them all strictly united by the tie of common interest, renders the whole body invulnerable and invincible to foreign force.

We have said before, that the Consul had almost sovereign power in time of war. He however depended absolutely in many things both on the Senate and People. For on the one side the necessary sums for the provisions, cloaths, and pay of the soldiers, were delivered only by order of the Senate, and the refusal of

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those supplies made the general incapable of undertaking any thing, or of carrying on his enterprises so far as he might desire. The same Senate, at the end of the year, could either continue him who had been Consul in the command of the army, or appoint him a successor, and thereby had it in their power either to grant, or deprive him of, the glory of terminating the war. And lastly, it depended on the Senate either to lessen or exalt the lustre of the general's exploits: for they both decreed (1) the honour of triumphs, and regulated the expences that were necessary in those august and pompous solemnities. On the other side, as the People decreed wars, confirmed or cancelled treaties with foreign States and Princes, and at the end of the campaign made the generals render an account of their conduct, it is easy to perceive, how attentive it was necessary for them to be, in order to conciliate the favour of the People.

As to the Senate, though its power was so great in other respects, it was however under restraint, and in subjection in many points to that of the People. In great affairs, and especially those affecting the lives of the citizens, the People's authority was requisite. When any laws were proposed, even such as tended to the diminution of the rights, honours, and prerogatives of the Senate, and the retrenching of the

(1) *Livy tells us, Lib. 3. c. 43. that when the Senate refused the honour of triumph to the Consuls Valerius and Horatius, upon account of their having acted highly in favour of the People, the Tribune Icilius proposed their triumphing to the People, which he urged the People, then granted for the*

first time without the authority of the Senate.——Quum ingenti consensu patrum negaretur triumphus, L. Icilius Tribunus plebis tulit ad populum de triumpho Consul.——Tum primum, sine auctoritate Senatus, populi jussu triumphatum est.

the estates of the senators by a new distribution of the conquered lands, it was at the People's option either to receive or reject them. But what most argued their power, was, that if only one of their Tribunes opposed the resolutions and enterprizes of the Senate, that opposition sufficed for putting an immediate stop to them, so that after it the Senate could proceed no farther.

And lastly, the People on their side had also great interest in observing measures with the Senators, whether in general or particular. The receivers of taxes, customs, tributes, in a word, of all the duties and revenues of the state; the Undertakers, who supplied the armies with provisions, repaired the temples and other public buildings, and had the care of the highways; these persons formed numerous societies, who were of the order of the People, including the Roman Knights, and subsisted a great number of the citizens, some being employed in collecting the revenues, some serving as security for the tax-farmers, and others lending their money to make the necessary advances, and thereby putting it out to advantage. Now the Censors disposed of these farms to such societies as offered themselves for that purpose, and also assigned the different works that were to be done to the Undertakers: and the Senate, either by itself, or commissioners nominated expressly, adjudged without appeal all disputes that arose concerning these matters, whether the question were sometimes to cancel agreements that were become impracticable, and to grant farther time for the payment of money; or that it were necessary to reduce the rent of the farms upon account of some unhappy accident. And, which was still more capable of inspiring the People
with

with submission and respect for the decrees of the Senate, it was out of their body that the judges * of all affairs public and private of any importance were generally chosen. The citizens were no less obliged to observe measures and keep fair with the consuls, upon whom they all depended, especially in time of war, and when they served under them in the army.

It was this mutual dependance and concert of all the orders of the commonwealth, that rendered the government of Rome the most perfect that ever was in the world.

When we read in the beginnings of the infant-republic, and the succeeding years, those almost continual seditions, which so long divided the Senate and people, and that kind of intestine war between the Consuls and Tribunes, we are amazed, and with reason, how it was possible for a state, agitated by so frequent and violent convulsions, not only to subsist, but at the same time to subject all its neighbours, and soon after to extend its conquests into very remote regions. Polybius gives us a very solid reason for it, highly to the honour of the Roman people. It is, that when the Republic was attacked by a foreign enemy, the fear of the common danger, and the motive of public good, suspended domestic feuds, and reinstated union. The love of their country then was in a manner the soul that put all the parts and members of the State in motion, every one striving, in emulation of each other, to acquit himself of his functions, and discharge his duty, whether the question were to form resolutions with maturity and wisdom, or to put them in execution with expedition and vigour.

And

* The form of trials was changed in process of time;

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And it was this good understanding and unanimity that rendered the commonwealth always invincible, and occasioned the constant success of its enterprizes.

It was this same constitution of the Roman government, that still supported the commonwealth, and caused it to subsist for some time; even when the citizens, delivered from the fear of foreign enemies, grown haughty and insolent from their victories, enervated by riches and voluptuousness, and corrupted by praises and flattery, began to abuse their power, and to commit a thousand violences and oppressions. For in that state of things, the authority of the Senate, and that of the People, being always counterbalanced by each other, when the one attempted to exalt itself, the other immediately united all its forces to pull it down, and keep it within due bounds. Thus by this reciprocal equality, and balance of power and credit, the commonwealth, whilst it subsisted, retained its liberty and independance.

S E C T. II.

Reflections upon Livy's Harangues.

LIVY, principally on the occasion of the differences between the Senate and People, repeats the speeches made on both sides, which are passages of consummate eloquence. Many, who want neither taste nor capacity, are offended at the length of this kind of harangues, which occur from time to time in our historian. To judge rightly of them, in my opinion, it is but just to place ourselves in the country and ages in question, to set before our eyes their manners and customs, and to call to mind the methods
in

in which the public affairs were transacted at Rome. I shall repeat some examples of them in this place, which will set the thing in a clearer light.

The Military Tribunes, having changed the siege of Veii into a blockade, resolved to make the troops winter there, which had not before been practised amongst the Romans. The Tribunes of the people opposed that innovation. Appius refutes them with force, and shews that it is for the honour of the Roman people to continue that siege till the place is taken. When the question is to rebuild the city of Rome, after its having been burnt by the Gauls, the Tribunes of the People, in order to spare individuals expence and trouble, are for transferring the seat of the commonwealth from Rome to Veii. Camillus harangues the People, and shews what a misfortune and crime it would be to abandon Rome. The Tribune Canuleius demands, that the law, which prohibited the intermarriages of the Patrician and Plebeian families, should be annulled, and proves how unjust that prohibition is in itself, and how injurious to the People.

These are affairs of the last importance, which were treated in the Assemblies of the People, who were the natural Judges of them. To carry the suffrages, it was necessary to set an affair in all its light, to shew its advantages and inconveniences, to explain all its consequences in a clear and lively manner, to answer such objections as might be made to it, and refute with force the reasons of opponents. This is what rendered the talent of speaking so necessary at Rome, as well as Athens, and occasioned eloquence to be carried to so high a degree of perfection in those two republics. And the same
reason

reason induces the English to cultivate it with so much care at this day, because it is by That affairs are carried in the two houses of parliament.

Now can an historian, who relates what passed at Rome in the assemblies of the Senate and People, dispense with giving some idea of the speeches made in them, that had so great a share in determining events? Is it not from these harangues, that we have our knowledge of what is most essential in history, of what is in a manner its soul, I mean the reasons and motives that determined the passing such a law, the making such an institution, the undertaking such a war? Does it not argue an historian's wit and address, to put these reflections in the mouth of some illustrious Roman *most active in the affair*, instead of making them in his own person, which would greatly diminish their force and authority?

To know whether these speeches were actually made by the persons to whom they are ascribed, is not the question. It suffices, that they contain what they ought to have said. Those Romans, accustomed to speak in the assemblies, had an eloquence so much the more estimable, as it was more natural. They ought to have reasoned as we find in their discourses, and no doubt they did so with much greater extent. The harangues of Livy on the three occasions mentioned above, though they are the longest in that historian, scarce take up half a quarter of an hour to read them, and consequently, are very remote from the length of those, which were actually spoken in the assemblies.

I believed this reflection necessary, not only in defence of Livy, whose speeches are often imputed to him as a fault, but for my own vindication when I insert them in my history; though I often abridge them.

There is one thing which always leaves the reader uncertain, and at a loss, with respect to the harangues spoke either in the Forum, or the Field of Mars, the two places in which the Assemblies of the Roman People were usually held. When two orators, opponents to each other, spoke upon affairs of the highest importance, that were to be determined by the People, how is it to be conceived, that in places of so vast extent, they could make themselves heard by the whole multitude, and that all the citizens could give their votes with entire knowledge of the affair, and according to the effect of the orators arguments upon them?

In order to this, they must have had clear, distinct, and strong voices, and lungs capable of extraordinary efforts: it is in these terms De senect. Cato expresses himself, where he speaks of the
B. 24. harangue, which he pronounced for the Law Voconia. *Cum ego quidem——Legem Voconiam voce magna & bonis lateribus suavissem.* But whatever efforts an orator might make, who spoke before so vast a multitude, and in a large Square or Forum, it was morally impossible for him to be heard by the most remote in the assembly. Wherefore, when it came to the People's turn to deliberate, as the citizens retired each to their respective Tribe or Century, the persons who proposed the affair to their consideration, undoubtedly repeated in few words the principal reasons advanced on both sides. Thus the People did not give their suffrages at a venture, and without being informed concerning the affair in question.

question. Besides which, independantly of the discourses of the orators, they had both time and means to inform themselves of it, because (1) twenty-seven days were always to elapse between the proposal of a law, and the voting of the People upon it. It is certain, that all the affairs of the commonwealth were transacted in this manner.

S E C T. III.

Principal Epochas of the Roman history from the foundation of Rome to the battle of Actium.

ONE of the things, which may contribute most to give order and clearness to the study of history, is to distribute the whole body of an history into certain parts and intervals, that present at first view a kind of general plan of it to the mind, shew its principal events, and make known its series and duration. These divisions ought not to be multiplied too much; otherwise they might occasion confusion and obscurity.

The whole time of the Roman History from Romulus to Augustus, seven hundred and twenty-three years, may be divided into five parts.

THE FIRST takes in the reigns of the seven A.R. 1.
Ant. C. Kings of Rome, and includes 244 years.

THE SECOND is from the institution of 751.
A.R. 245.
Ant. C. Consuls to the taking of Rome by the Gauls, and continued 120 years, from the 245th to the 507. 365th year of Rome. It includes the institution of the Consuls, of the Tribunes of the People, of the Decemviri, of the Military Tribunes

(1) Tribus Nundinis, three inhabitants of the country market-days. Every ninth day came to Rome. was the market-day, when the

bunes with Consular authority, and the siege and taking of Veii.

A.R. 365.
Ant. C.
357. THE THIRD is from the taking of Rome to the first Punic war; the space of 123 years, from the 365th to the 488th. It includes the taking of Rome by the Gauls, the war with the Samnites, and that against Pyrrhus.

A.R. 488.
Ant. C.
264. THE FOURTH is from the beginning of the first Punic war to the end of the third, and contains 119 years, from the 488th to the 607th. It concludes the first and second Punic wars, the wars against Philip King of Macedonia, Antiochus King of Asia, Perseus the last King of Macedonia, the People of Numantia in Spain, and lastly, the third Punic war, that terminated with the taking and ruin of Carthage: about which time Corinth was taken and destroyed.

A.R. 607.
Ant. C.
145. THE FIFTH is from the ruin of Carthage to the change of the Roman commonwealth into a monarchy under young Cæsar Octavianus, afterwards surnamed Augustus, and continues 116 years; from 607 to 723. It includes the taking of Numantia: the domestic troubles excited by the Gracchi: the wars with Jugurtha, the allies, and Mithridates: the civil wars between Marius and Sylla, Cæsar and Pompey, and between the Triumviri and the defenders of the republican government. This last war was terminated by the battle of Actium, and the institution of the sovereign and monarchical authority in the person of young Cæsar.

A.R. 721.
& 723.
Ant. C. 31
& 29.



BOOK THE FOURTH.

THIS fourth book contains the space of sixteen years, from the 290th to the 306th year of Rome. The four last years include the history of the Decemviri, and the institution of the XII Laws, commonly called the laws of the XII Tables.

S E C T. I.

Extreme danger of the Consul Furius amongst the Æqui. Plague at Rome: enemies repulsed. The Tribune Terentillus proposes a law for establishing fixed laws, the administration of justice being till then arbitrary. Disputes are renewed concerning the laws. Cæso Quintius, a young Patrician, who opposed the new Law, is banished. L. Quintius Cincinnatus, his Father, out of regret, retires into the country.

AULUS POSTUMIUS.
SP. FURIUS.

A. R. 290.
Ant. C.
462.

FURIUS, who had lately been elected Consul, on his arrival in the country of the Hernici, found the Æqui there ravaging the lands. Without knowing the number of their troops, he attacked them imprudently, and was obliged to retire into his camp with loss. The enemy besieged him there the next day, and shut him up so close, that it was not possible for

A R 290. him to send off a courier, to carry that news to
 Ant. C. Rome. The Hernici gave advice of it. The
 462. alarm was great. The Senate ordered the other
 Consul *to take care that the commonwealth suffered
 no damage: Videret ne quid detrimenti respublica
 caperet.* This form gave the consuls an abso-
 lute power, and was only used upon occasions
 of extreme danger. They also caused all shops
 and tribunals of justice to be shut up: which
 was called *Iustitiam indicere*. Postumius levied
 troops with the utmost expedition, and sent
 them immediately to his colleague. In the mean
 time Furius made a sally upon the enemy, and
 put them to flight. His brother, with a detach-
 ment of a thousand men, followed the pursuit
 with too much eagerness, and being surrounded
 on all sides, was killed fighting valiantly; and
 all his (1) troops were cut to pieces. On the
 first advice of his brother's danger, the Consul
 advanced to his aid, and was wounded himself.
 The enemy, encouraged by this double success,
 pursued the Consul to his camp; and would
 perhaps have forced it, if the aid sent from
 Rome had not arrived very opportunely. The
 Æqui were defeated more than once. Furius
 returned victorious to Rome. But the death of
 his brother, with the loss of a great number of
 officers and soldiers, who were killed on diffe-
 rent occasions, left no room for rejoicing.

L. ÆBUTIVS. (2)
 P. SERVILIUS.

A.R. 291. The plague, which had already appeared at
 Ant. C. Rome, **raged anew** with greater virulence than
 461. ever.

Plague at
 Rome: ene-
 my repulsed.

(1) Some say they chose to
 die fighting rather than surren-
 der their arms.

(2) The time when the
 Consuls entered upon office is
 not certain from Brutus to
 the

ever. The number of slaves, day-labourers, ^{A.R. 291.} and of the common People which it swept away ^{Ant. C.} is inconceivable. At first the dead bodies were ^{461.} carried away in carts: but the number of them became so prodigious, that they were obliged to throw those of the meaner sort into the Tiber. Amongst the Persons who died of this distemper, were included the fourth part of the Senate; of which number were both the Consuls, and more than half the Tribunes.

When the news of this disaster spread into the neighbouring countries, the Æqui and Volsci believed the occasion very favourable for ruining the Roman power, and entered into a league which they ratified by oath. After having ravaged the territories of the allies of the Roman People, they approached very near the city. The consternation there was inexpressible. Rome saw itself without either chiefs or forces. The tutelary gods of Rome, says Livy, defended it: that is to say, Divine Providence preserved it from so great a danger. The enemy, undoubtedly, through fear of the contagious air, that destroyed universally in the city and country, and attracted by the hopes of considerable spoils, directed their march towards Tusculum, which was an opulent country. Thus the tranquillity of Rome was restored, and the distemper ceased by degrees.

these Consuls, who Livy tells us, began their administration the first of August. That time varied very much till the year of Rome 599, when it was decreed that the Consuls for the future should enter upon office the first of January, which institution took place to the end of the commonwealth. Liv. lib. xlvii. 36.

A.R. 292.
 ANL.C.
 460.

L. LUCRETIVS TRICIPITINVS.
 T. VETVRIVS GEMINVS.

A speedy vengeance was taken of the enemy, They were attacked and entirely defeated in several actions, in which they lost the greatest part of their troops.

The Tribune Terentillus proposes a law for establishing a fixed form for administering justice. The Affair is deferred. Peace without doors made way for domestic troubles. The subject of them was new, and regarded the laws and the rights of the People. Rome had not yet any established form of administering justice. In the earliest times the Kings dispensed it in person, and their judgments had the force of law. From the royal authority's being transferred to the Consuls, with the other functions of the sovereignty, that of rendering justice vested in them, and, as the Kings had done, they adjudged causes almost arbitrarily. The laws were few in number, and known only to the Patricians, who alone were magistrates, and possessed all the science, civil and religious, at that time in Rome.

C. Terentillus Arsa, Tribune of the People, undertook to establish a fixed form for administering justice, and to limit judgments by laws known to all. He chose his time when the Consuls were absent. “ He had prepared the
 “ People for his purpose by continual invectives
 “ against the haughtiness of the Patricians, and
 “ especially against the Consular authority, carried, according to him, to a most shameful
 “ excess, and become insupportable to a free
 “ city. He urged, that it differed from the
 “ despotic power of Kings only in name, but
 “ that in effect it had something still more odious in it: That instead of one master they had
 “ two,

“ two, who arrogated to themselves a power ^{A R. 292.}
 “ without either restraint or bounds ; and who ^{Ant. C.}
 “ being independant, and without controul, ^{460.}
 “ themselves, made the whole terror and seve-
 “ rity of the laws fall upon the People : That
 “ to put a stop to such licence, he should de-
 “ mand that five commissioners might be ap-
 “ pointed to prepare laws for regulating the
 “ Consular authority : That, in consequence,
 “ the Consuls would have no other right over
 “ the People, than the People themselves
 “ should think proper to give them ; it not
 “ being just, that the People should have no
 “ other law, but the passion and caprice of the
 “ Consuls.”

This new plan of laws terrified the Senators,
 and made them fear, that the Tribune would
 take the advantage of the absence of the Con-
 suls, for imposing this new yoke upon them.
 Q. Fabius, without loss of time, assembled the
 Senate as governor of the city : for his office
 gave him that right in the absence of the Con-
 suls. He gave a loose to his indignation against
 the Tribune's rash and seditious enterprize, which
 tended to nothing less than subverting the whole
 form and order of the present government.
 “ And besides, said he, what time has he
 “ chosen for attacking the commonwealth ?
 “ Why, when it is without either chiefs or de-
 “ fence. If the year before, in the midst of
 “ the plague and the war, the Gods in their
 “ anger had given Rome such a Tribune, the
 “ state had been ruined entirely. The two
 “ Consuls being dead, and the city afflicted
 “ with disease and in general confusion, he
 “ would have proposed the abolition of the
 “ Consulship, and have put himself at the head
 “ of the Æqui and Volsci to attack the city.

A. R. 292.
Ant. C.
460.

“ With what pretext could he cover so pernicious a design? If the Consuls oppressed any citizen, and abused their authority, were they not to be cited before the People, and obliged to have the Plebeians themselves for their judges, of which body the complainant was one? That to act as Terentillus did, was not to render the Consular authority, but the Tribunitian power, odious, and wilfully to disturb the peace and union re-established between the two orders. Fabius afterwards assuming a milder behaviour, addressed himself to the other Tribunes, and desired them to intercede with their colleague, to wait the return of the Consuls.” They complied, and the affair was suspended.

The Consuls were immediately sent for. Lucretius returned laden with spoils and glory. A Triumph was decreed him unanimously: but as he was more intent upon the public interests than his own, his sole care was to pacify the People, and put an end to division. Several assemblies both of the Senate and People were held. The Tribune at length gave way to the Consuls authority, and desisted from his proposal. Lucretius then received the honour, of which he seemed the more worthy from his own delay of it. He triumphed with his army over the Volsci. The less triumph, called *Ovatio*, which had been explained elsewhere, was granted to the other Consul.

A. R. 293.
Ant. C.
459.

P. VOLUMNIUS.
SERV. SULPICIUS.

*Dreadful
prodigies.*

Terrible prodigies were seen the beginning of this year: the heavens all on fire, great earthquakes, and a cow that spoke. A dreadful shower

shower fell, not of hail or snow, but of bits of A.R. 293.
 flesh. Birds of all kinds devoured part of it; Ant. C.
 and what remained in the City and country lay⁴⁵⁹
 a long time without changing colour, corrupting,
 or occasioning a bad smell. The book of the
 Sibyls which were consulted, declared, that the
 city was threatened with an irruption of strange
 enemies, who would reduce it to the brink of
 destruction; and that it was necessary above all
 things that seditions should cease. The Tri-
 bunes did not fail to say, that the last article was
 added expressly to prevent the promulgation of
 the Law for establishing known Laws; and
 were not in the wrong.

Livy in his history often relates this kind of
 prodigies; which has given occasion to accuse
 him of a stupid and superstitious credulity. But
 he was far from believing what he said of them,
 as he declares in several places. (a) *At Rome,*
or in the neighbourhood, says that historian, *many*
prodigies happened this winter, or (which is usual
when once superstition has taken hold of a People)
many were reported, and believed by credulity.
 Besides which, as he found those prodigies re-
 lated in the annals of the Pontiffs, and the de-
 crees of the Senate, that ordained the expiation
 of them, the fidelity of history did not permit
 him to suppress them. (b) *I made a kind of*
scruple of conscience, says he again, *to consider*
things as unworthy of a place in my Annals,
which persons of consummate prudence had deemed
 C 4 *worthy*

(a) Romæ, aut circa ur-
 bem, multa eâ hieme prodi-
 gia facta, aut (quod evenire
 solet motis semel in religio-
 nem animis) multa nuncia-
 ta, & temerè credita sunt.
 Liv. l. 21. c. 62.

(b) Quædam religio est,
 quæ illi prudentissimi viri pub-
 licè suscipienda censuerint, ea
 pro indignis habere quæ in
 meos annales referam. Lib.
 43. c. 1.

A.R. 293. *worthy of being expiated by public sacrifices.* Every
 Ant. C. body knows, that these prodigies made part of
 459. the religion of the antients : but I believe no-
 body will take offence at my not being too scrupulous in relating them.

The disputes concerning the new law of Terentilla are renewed. The domestic troubles began again concerning the new law, which all the Tribunes in concert supported with vigour. The substance of it was to this effect: “ That the People in the
 “ *comitia* duly assembled, should chuse *Decem-*
 “ *viri*, (that is to say, ten commissioners) ve-
 “ nerable for their age and wisdom : that those
 “ magistrates should prepare a body of laws,
 “ to serve as fixed rules in all affairs public and
 “ private : that they should report them to the
 “ People, and afterwards that they should be
 “ fixed up in the Forum, in order that every
 “ one might have cognizance of them ; and
 “ that the magistrates should be ordered to con-
 “ form to them in all differences and disputes
 “ whatsoever from thenceforth.”

The Consuls and Patricians protested, that they would never permit laws to be proposed, in which the Senate had no part. They remonstrated, that laws were conventions, into which a whole state, and not a Part of it only, ought to enter. Never had disputes been more warm. Both sides seemed to prepare in a manner for a battle, that was to determine the Public liberty.

Cæso, a young Patrician, who opposed the new law is tried, and retires into banishment. Amongst the Patrician Youth, Cæso Quintus, the Son of L. Quintus Cincinnatus, had at that time most credit and the greatest number of Partisans. His birth and great fortune gave him the preference to any person of his age. Besides which, his person was advantageous, his valour and capacity in war unequalled, and he had an happy genius for speaking. This
 young

young Senator (a), surrounded by a great body A.R. 297.
of the Patricians, was conspicuous amongst the Ant. C.
rest, and as if all Consular and Dictatorial pow- 455
er were included in his single voice and force,
he sustained alone all the storms of the Tri-
bunitian fury and the People's violence. He
incessantly inveighed against the Plebeians,
without sparing either the harshest terms, or
the most outrageous treatment.

The Tribunes exasperated to the highest de-
gree, vowed his destruction. Virginius, one of
them, cited him before the People. That cita-
tion, far from abating his courage, only infla-
med it. He still persisted in opposing the law
with more ardor than before; redoubled his
insults and reproaches of the Plebeians, and
attacked the Tribunes without any reserve, as
having then a just cause for making war upon
them. They were not sorry for that, as they
saw he only enraged the People the more against
him, and supplied them with new matter of
grievance. When the day for his appearance
arrived, and Cæso saw the danger at a nearer
view, he grew extremely more humble, and
assuming the air and tone of a (1) suppliant,
submissively implored the People's clemency.
All the most illustrious Senators interested them-
selves warmly in his behalf, and gave an authen-
tic testimony of his distinguished merit. Lucre-
tius

(a) Hic cum in medio Pa-
trum agmine constitisset, emi-
nens inter alios, velut omnes
dictaturas consulatusque ge-
rens in voce hac viribus suis,
unus impetus tribunitios po-
pularesque procellas sustine-
bat. Liv. l. 3. c. 11.

*occasion, which Dionysius Ha-
licarnassensis contradicts. The
latter says, that when Cæso
was called upon to plead, he
refused to own the jurisdiction
of the Assembly, and offered to
submit to the judgment of the
Consuls, whom he affirmed to
be his legal judges.*

(1) This is Livy's account
of Cæso's behaviour on this

A.R. 293.
Ant. C.
459.

tius especially, who had been Consul the year before, all glorious from his late triumph, divided the honour of it with him, extolling the valour which he had shewn in the battle, and repeating, as an eye-witness, the acts of bravery by which Cæso had signalized himself. He exhorted the People not to suffer a young Patrician of such excellent qualities to be lost amongst strangers, who could not but be of the greatest advantage to any city that should receive him. He added, “ That the impetuosity of his genius which gave offence, would continually abate with time ; and that what he now wanted, that is to say, coolness of temper and prudence, would every day improve and gain ground in him. That his faults subsiding, and his good qualities perpetually advancing towards maturity, they might well suffer so great a man to thrive and grow old in his country.” Quintius his father, surnamed Cincinnatus, did not touch upon his son’s praises, to avoid irritating envy, “ but endeavouring to mollify the People, and incline them to lenity by his earnest intreaties and tears, he conjured them, if he had never injured any one either in word or deed, and his life and conduct had been hitherto irreproachable, that he would grant him their grace for a son worthy of compassion, and pardon something to his years and imprudence”

The people, moved at the sight and tears of that venerable old man, seemed disposed to favour Cæso ; when the Tribune, who perceived it, immediately produced a witness he had suborned : this was Volscius, who had been Tribune of the People some years before. He deposed against the accused, that himself and his brother,

brother, returning from supper at a friend's house, had been attacked by Cæso, in company with some other young persons as wicked as himself. That his brother was killed upon the spot, and that himself had been left for dead, and had not recovered his health without great difficulty. This account entirely changed the disposition of the People, who were very near passing sentence of death upon the pretended criminal directly. The Consuls put a stop to that extravagance and fury, by representing, (a) that an accused person, who was not condemned, and who had not had time to make his defence, could not be legally treated in that manner. The sentence was deferred till another day, and at the father's request the son was suffered to depart, (1) giving security. The next day the tribunes assembled the People in the Forum, where Cæso not appearing, he was condemned for default, and his security, who were ten in number, were compelled to pay the money agreed upon. Thus this young Patrician, by the intrigues of the Tribunes and the artifice of Volscius, who gave false evidence, as we shall see in the sequel, retired to Etruria into banishment.

Cæso's father was obliged to sell the greatest part of his estate to make good the money paid by the security, and retired to a village on the other side of the Tiber, where he had a poor cottage and a small field, the sole remains that escaped this wreck of his fortune. He supported himself there by the labour of his hands, with a small

(a) Cui rei capitalis dies dicta sit, & de quo futurum propediem iudicium, eum indemonstratum non debere violari. *Liv. l. 3. c. 13.*
 (1) *Livy tells us this was the first bail or security given to the public. Lib. 3. c. 13.*

A R. 293
Ant. C.
459.

small number of slaves, who assisted him in cultivating his piece of land, and led an obscure and laborious life, his affliction and poverty preventing him from going to Rome, visiting his friends, and assisting at the celebration of festivals. The tribunes, however, were not the better for having got rid of Cæso. The young Patricians became only the more haughty on that account; but they acted in a different manner, and with a wise address. After the banishment of Cæso, when the Tribunes began to propose the law, and, to remove those who opposed the passing of it, were for using some violence, the young Patricians, who brought a great body of their clients along with them, repulsed the Tribunes with vigour, but in a body, and without any one's distinguishing himself in a peculiar manner from the rest: so that the People complained, that instead of one Cæso, they had now a thousand upon their hands. On the other days, nothing was kinder and more moderate than the same young nobility. They saluted the Tribunes respectfully, entered into conversation with them, did them all manner of services, and even invited them to their houses. Nothing insolent, nothing violent, was seen, except when the law was proposed: in other respects their behaviour was entirely agreeable and popular. The Tribunes in consequence were not able to propose their law, during that whole Consulship; but were re-elected by the People for the following year.

S E-C T.

S E C T. II.

The Tribunes spread a false report of a conspiracy formed by the Patricians. The Sabine Herdonius seizes the Capitol in the night: he is defeated and killed. Quintius Cincinnatus, Cæso's father, is taken from the plow, and made Consul. He appeases a tumult. He refuses to be continued in office. New troubles. L. Minucius being besieged in his camp by the Æqui, Q. Cincinnatus is created Dictator. He delivers the Consul, defeats the enemy, triumphs, and abdicates the Dictatorship at the expiration of sixteen days. Ten Tribunes of the People are created instead of five. Part of mount Aventine is given to the People, to build upon. The Tribunes propose the Agrarian Law again, The Senate's reasons for opposing it so strongly.

C. CLAUDIUS.
P. VALERIUS.

A.R. 294.
Ant. C.
458.

THE Tribunes not observing the same ardour for their interests in the most considerable part of the People, whom the Patricians had conciliated by their good offices and other demonstrations of benevolence, set new engines at work in order to render them suspected. Every means, however improbable in itself, seemed good, so much had their passion blinded them. “ They spread a report in the
“ city, and had the confidence to carry the
“ news to the Senate itself, of a terrible conspi-
“ racy, of which they had received certain ad-
“ vice from different parts by several letters.
“ These they had counterfeited themselves.
“ Cæso, said they, is at the head of it, and
“ now

A.R. 254. “ now actually in Rome. The design was to
 Ant. C. “ kill the Tribunes, and to put the Plebeians
 458. “ to the sword. The antient Senators had gi-
 “ ven the Patrician youth commission to extir-
 “ pate the Power of the Tribunes, and to re-
 “ instate the government upon the same foot as
 “ it was before the retreat to the Sacred Moun-
 “ tain.” The Consul Claudius, who well knew
 the Tribunes, and of what they were capable,
 maintained that this pretended conspiracy was
 a meer fable, contrived to alarm weak minds
 and proved it clearly, even from the circum-
 stances of the account they had given of it.
 He said as much in the assembly of the Peo-
 ple. The most discerning of the Plebeians ea-
 sily perceived that there was nothing more in
 it, than a design to intimidate them by ground-
 less fears. But some gave into these false re-
 ports, and believed them true. That was e-
 nough for the Tribunes. It generally suffices
 to these sowers of falsehoods and calumnies, that
 they make impression upon the minds of some:
 that is gain enough for them.

Herdonius
the Sabine
seizes the
Capitol: he
is defeated
and killed. The Tribunes perhaps had some confused no-
 tion of a conspiracy that actually broke out
 soon after, and their hatred had determined sus-
 picions and apprehensions against the Patricians,
 which they ought to have levelled at an enemy
 without doors. This was Herdonius, a very
 rich and powerful Sabine, and still more bold
 and ambitious, whom the divisions that prevail-
 ed at Rome had given hopes of making himself
 master of it. With a body of exiles and slaves,
 to above the number of four thousand five hun-
 dred, he seized the Capitol in the night. He
 flattered himself that he could make the slaves
 take arms, bring over the exiles to join him,
 and even engage the meaner citizens to declar_e

in his favour, by amusing them with the hopes of making them arbiters of the laws of the government. His design was, after having surprised Rome, either to have made himself the Sovereign of it; or, in case he could not support himself in the usurpation with his own forces, to have delivered up the City to the Sabines. As soon as he had taken the citadel, he began by putting all within it to the sword, that would not enter into the conspiracy, and take arms with him. The few who escaped ran to the Forum, and spread the alarm. *To arms, to arms, the enemy are in the city*, was the universal cry. The Consuls, uncertain whether the danger were within or without the walls, were equally afraid either to arm the People, or to leave them unarmed. They contented themselves with posting guards in the places where they were most necessary, and passed the remainder of the night in great perplexity, not knowing either what enemy, or what number, they had to oppose. This the day-light shewed them. Herdonius caused billets to be thrown into the City from the Capitol, by which he invited the slaves to join him upon promise of their liberty. “He declared that he had taken upon him the defence of the miserable, in order to reinstate exiles unjustly banished their country, and deliver slaves from the cruel yoke of servitude. That he had rather the Roman People should execute those views themselves. That, if he saw no hopes on that side, he should have recourse to the Æqui and Volsci, and should set all the neighbouring states in motion, in order to effect his design.”

The Senate and Consuls began now to discern the matter right. But besides what they knew for

A.R. 294. for certain, they apprehended, that the Veientes
 Ant. C. and Sabines might have entered into this plot,
 458. and, whilst they had so many of the enemy
 already in the city, that they might soon see
 the Sabine and Etrurian legions arrive, followed
 by those of the Æqui and Volsci, the eternal
 enemies of Rome, not to ravage the country
 as formerly, but to possess themselves of a city
 already half taken. Amongst so many causes
 of dread, their principal fear was in respect to
 the slaves, in whom they did not dare either
 to confide, not being assured of their fidelity,
 nor express distrust, for fear of making them
 enemies.

One thing consoled them, which was, that
 they did not think there was any thing to ap-
 prehend from the People or the Tribunes. They
 considered the domestic dissensions as evils which
 generally broke out in times of peace and tran-
 quillity, and for which the present general
 trouble of the city did not seem to leave any
 room. However, those divisions were very
 near ruining it on this occasion. The fury of
 the Tribunes, or rather their phrenzy, rose so
 high, as to make them desirous to persuade the
 People, that all this tumult was only a strata-
 gem of the Patricians to make a diversion, and
 to prevent them from thinking of the law ; that
 it was their clients and friends who had seized
 the Capitol ; and that as soon as they should
 see their design miscarry by the publication of
 the Law, they would retire with as much tran-
 quillity as they came. Accordingly they as-
 sembled the People for that purpose, and pre-
 vented them from taking arms.

The Consuls on their side summoned the Se-
 nate together, and being informed that the Peo-
 ple laid down their arms, and quitted their
 posts,

A.R. 294.
Ant. C.
458.

posts, they were seized with terror and amazement, and could scarce believe such a madness possible. Valerius, leaving his colleague in the Senate, flew to the assembly of the People. *What is the meaning of this!* cried he to the Tribunes! *Are you for subverting the commonwealth under the conduct and auspices of Herdonius? Has he then succeeded in corrupting you, who could make no impression upon your slaves? How! whilst the enemy are over our heads, do you make the citizens lay down their arms, and do you think of making Laws?* Then addressing himself to the multitude, he continued to this effect. *Romans, if you are neither moved by the danger of the city nor your own misfortunes, at least respect the Gods of your country, who are in the hands of the enemy. The most high Jupiter, Queen-Juno, Minerva, and all the Gods and Goddesses, are actually besieged. Slaves have pitched their camp in your temples. Does the manner in which we act, argue a People in their senses? Whilst the enemy are not only within our walls, but have made themselves masters of the citadel, we hold assemblies with indifference, and deliberate with unconcern, as in times of peace and leisure! Ought we not rather, as many inhabitants as there are of us, Senators, Plebeians, Consuls, Tribunes, to take arms, to run to the Capitol, and deliver the august abode of the most high Jupiter? O thou, whom we acknowledge for our father, divine Romulus, inspire thy descendants with the same courage, with which thou didst formerly recover this citadel from the same Sabines, when they had made themselves masters of it by the means of money. Cause thy Romans to tread now in the well-known steps of thyself and thy victorious army. For me, I am ready, as Consul, to be the foremost in following you,*

A.R. 294. *as far as it is in the power of a mortal to follow*
 ABL. C. *a God.*
 458.

After having spoke thus, with a tone of authority, he commanded the citizens to take arms, and declared, “ That he would treat all
 “ who should oppose it, as enemies to the State,
 “ without regard to the Sacred Laws. That
 “ the Tribunes who forbade the citizens to take
 “ arms, would arm them against the Consul
 “ Valerius : and that he should not fear to act
 “ in the same manner against the Tribunes, as
 “ his father had done against the Kings.” Every thing seemed upon the point of terminating in the utmost violence, and of exhibiting the sedition of the Romans as a spectacle to the enemy. However, the Tribunes could neither pass the Law, nor the Consul make the troops march to the Capitol ; and night suspended the dispute.

When the Tribunes who blew up the spirit of discord, were retired, the Senators mingled with the People, and each on their side, in circles, held discourses suitable to the present conjuncture. “ They implored the citizens to
 “ consider the danger to which they exposed
 “ the commonwealth, and to remember that
 “ the dispute was no longer between the Senate
 “ and People, but that alike, Plebeians as well
 “ as Patricians, citadel, temples, the Gods of
 “ the public, their Household-Gods, were all
 “ abandoned to the enemy.”

Whilst these measures were taken in the Forum for appeasing the sedition, the Consuls posted troops at the gates of the city, and at other places, against the Sabines and Veientes, in case they should come to attack Rome.

The same night, the inhabitants of Tusculum received the sad news of the taking of the Capitol

pitol and citadel, and of the confusion that prevailed in the city. L. Mamilius, at that time Dictator of Tusculum, immediately assembled the Senate, and represented, “ That they ought
 “ not to stay till Rome sent to demand aid ;
 “ that the Gods could never give them a more
 “ happy occasion for distinguishing their zeal
 “ and attachment to so powerful a neighbouring
 “ city.” The troops were immediately levied, and set out for Rome, near which they arrived at day-break the next morning. They were at first taken for enemies, but the Romans soon discovered their error. They were received with joy, and marched in order of battle to the Forum, where Valerius, who had left his colleague to command at the gates, drew up his troops also. For the citizens were not able to resist his warm exhortations and promises. He had assured them, “ That after the Capitol was re-
 “ covered, and the tranquillity of the city re-
 “ stored, if they would hear what he had to
 “ say, and suffer him to inform them of the
 “ artful, self-interested Views, which the Tri-
 “ bunes concealed under the Law in question,
 “ that he would not oppose their Assembly.
 “ That the remembrance of his family, and the
 “ fir-name which he bore, were a kind of he-
 “ reditary engagement to him to support the
 “ interests of the People, and that he should
 “ not depart from it.”

Accordingly they followed him, notwithstanding the opposition of the Tribunes, and advanced to the declivity of the Capitoline mountain, in conjunction with the troops of Tusculum. A noble emulation of being the first to force the enemy, animated the Romans and allies. Their leaders encouraged them on both sides. The besieged, who relied solely

A.R. 294. upon the advantageous situation of their ground,
 Ant. C. began to tremble and be in disorder. They
 458. were pushed with vigour, and driven back and
 pursued as far as the porch of the Capitol, when
 Valerius, who fought at the head of his troops,
 was unfortunately killed. Volumnius, a person
 of Consular dignity, who saw him fall, caused
 his body to be covered, and took his place.
 The ardor and fury with which the soldiers
 fought, occasioned their not perceiving so sad
 an event. They were victorious, before they
 knew they fought without a general. The tem-
 ple was polluted with the blood of a great num-
 ber of exiles ; and many were made prisoners.
 The Capitol was recovered in this manner after
 an obstinate defence of three days.

The prisoners, freemen and slaves, were pu-
 nished, each according to his condition, the
 former by the loss of their heads, the latter by
 the cross. Great Thanks were returned the Tus-
 culans, who had distinguished themselves no less
 by their valour in fight, than their affection in
 flying of themselves to the aid of their allies.
 Preparations were made for purifying the Capi-
 tol with the usual ceremonies. The People, to
 do honour to the Consul's memory, and render
 his funeral the more magnificent, contributed
 each a certain sum.

Dionys. This affair was no sooner happily terminated,
 l. 10. p. 643 than the Tribunes renewed their measures, and
 —645. called upon Claudius to perform the promise,
 Liv. l. 3. which Valerius had made to the People concern-
 c. 19—21. ing the Law. The Consul amused them at first,
 and protracted the affair, under pretext of the
 sacrifices of expiation and thanksgiving, which
 required all his attention, and of the shews and
 games, which he exhibited to the People.
 When all these ceremonies were over, and he

could no longer elude their instances and importunity, he declared that it was necessary above all things to substitute a Consul in the room of Valerius. Having, by this artifice, evaded their pursuit, he appointed a day for the election of his colleague.

In the mean time, the principal Senators deliberated in secret upon the person it was necessary to chuse, and came to a resolution. On the day of the election, the whole first Class, composed of the principal and richest of the citizens, who formed eighteen Centuries of cavalry and fourscore of infantry, elected L. Quintius Cincinnatus Consul, father of Cæso Quintius, whose trial and banishment we have seen above. The other Classes were not so much as called upon to give their suffrages, because, as we have already observed, the first alone, when unanimous, were the majority.

This choice gave the People inexpressible concern: for they were about to have a Consul justly exasperated against them, who was besides powerful by the favour of the Senate, by his personal merit, and by three sons, of which not one was inferior to Cæso in greatness of mind, and took place of him in point of prudence and moderation, that made them masters of themselves in the warmest disputes, and left them at liberty to take all the measures, and use all the cool address, necessary to the success of affairs.

As soon as Quintius was chosen, the Senate dispatched deputies to invite him to take possession of his office. He was at that time at work in his field. He was holding the plow himself, covered only from his reins to his knees, with a cap on his head. When he saw the deputies of the Senate, he stopped his oxen, much

A.R. 294. Ant. C. 458. surprized at the croud of people, and not knowing what they wanted. One of the number advanced, and gave him notice to dress himself in a more convenient garb; upon which he went into his cottage, put on his cloaths, and came to those who waited for him. He was immediately saluted Consul. The purple robe was put on him, the Lictors with their axes placed themselves before him to execute his orders, and he was desired to repair to Rome. That sight gave him concern and affliction; he was silent for some time, and shed tears. When he spoke, he only said; *My field then will not be sown this year.* He then took leave of his wife, and having given her charge of the household affairs, set out for Rome.

Happy times! admirable simplicity! Poverty was not universally practised, but it was esteemed and honoured, and not considered as a disqualification for the highest dignities of the state. The conduct of Quintius during his Consulship, will soon shew us what a noble nature, what constancy, and what greatness of soul, inhabited a poor wretched cottage.

Quintius having entered upon office, informed himself of all that had passed in the invasion of Herdonius. Taking occasion from thence to call an assembly of the People, he ascended the tribunal of harangues, and in his discourse, applied himself no less to rouse the Senate from their indolence and languor, than to reprove the licence and disorders of the People. He reproached the Senators, “ That it was through
 “ their continual facility in giving way to the
 “ pretensions of the Tribunes, that they had
 “ encouraged and sustained the insolence and
 “ rebellion of the People. That the city had
 “ no longer either rule, discipline, or subordi-
 “ nation.

“ nation. That all virtue, constancy, and A.R. 294
 “ every other noble quality, that renders youth Ant. C.
 “ estimable as well in peace as war, might be 458.
 “ said to have been banished from Rome with
 “ his son Cæso. That men, whose whole me-
 “ rit consisted in making seditious speeches,
 “ and sowing discord between the two Orders
 “ of the State, prevailed by their intrigues to
 “ be continued two or three years in the office
 “ of Tribunes, and to act in it with tyrannical
 “ licence.” *What then, cried he with just in-*
dignation, has this Aulus Virginus, because he
was not in the Capitol, deserved punishment less
than Appius Herdonius? I affirm, that to judge
rightly of him, he has deserved it more. Herdo-
nus at least, in making himself our enemy, did in
some sort put our arms into our hands; but the
Tribune, in impudently maintaining that there was
neither war nor enemy, took your arms out of
your hands, and gave you up defenceless to your
slaves and the exiles. And for you (suffer me to
say it without offence either to Claudius my colleague
here present, or to the memory of Valerius) you
made your ensigns advance against the capitol, be-
fore you had delivered yourselves from the enemy
that occupied the Forum! How shameful is this to
us, both in the sight of Gods and men! Whilst the
enemy were masters of the Capitol and citadel, and
a leader of slaves and exiles, after having profaned
all things, had established his abode in the temple of
the most high Jupiter, the people of Tusculum took
arms before they were taken at Rome. There is
reason to doubt, whether it was L. Mamilius, the
general of Tusculum, or the Consuls Valerius and
Claudius, that delivered the citadel of Rome. And
as for us, who before would not suffer the Latines
to take arms in their own defence, even when the
enemy was in their country, we had been now un-

A R 254. *done, if the same Latines in pure effect of their good*
 Ant. C. *will had not taken arms for us of their own accord.*
 458.

And so you, Tribunes, call it aiding the Plebeians, to give them up unarmed to the enemy? If any one of the dregs of the People, with whom you herd, and of whom you make a particular country distinct from the body of the State, should come and inform you, that his house was beset with armed slaves, you would believe it incumbent on you to run to his aid. But the most high Jupiter, besieged by armed slaves and exiles, did not seem worthy of being aided in the sight of the Tribunes. They demand, after this, to be considered as sacred persons, they, to whom the Gods are not sacred. Covered as you are with crimes both before Gods and men, you are for passing your Law this year. But I swear to you, it shall not be; and that I will sooner lose my life than suffer it. We have taken our resolution. My colleague and I are determined to march the Legions against the Æqui and Volsci. I know not by what fatality the Gods are always more favourable to us in war, than during peace.

So vigorous a discourse amazed the People. The Senate began to conceive hopes and resume courage. The other Consul, too weak to act as principal, saw with joy his colleague bring on the affair, and seconded all his designs with resolution.

The Tribunes of the People treating these menaces as idle vapouring, asked with an air of contempt and insult, how the Consuls would march the troops into the field, as they would not be suffered to make any levies? *We have no occasion to make any,* replied Quintius. *The citizens, when they took arms to recover the Capitol, all swore to Valerius, not to lay them down without the Consul's order. In consequence of that*
 oath,

oath, we order you, as many as took it, to assemble in arms to morrow at the lake of Regillus. A.R. 294. Ant. C. 458.

The Tribunes cavilled, sought evasions, and endeavoured to elude the force of the oath, and to rid the People of all scruples, by answering, that Quintius was only a private person when the troops took the oath. But, says Livy, the contempt of the Gods, which is so common and prevalent in our days, was not known then. Oaths and laws were inflexible rules, to which those times conformed their conduct; and to wrest and accommodate them to one's own convenience and appetites by fallacious interpretations, was an art unheard of. *Sed nondum hæc, quæ nunc tenet, negligentia deum venerat; nec interpretando sibi quisque jusjurandum & leges aptas faciebat, sed suos potius mores ad ea accommodabat.*

Quintius went farther. *After having caused the ensigns to be brought from the temples: *That nobody, said he, may rely upon the intrigues of the Tribunes whilst I am Consul, you may be assured, that I shall not march back the army from the enemy's country, till the expiration of the term of my command. Therefore provide yourselves with all that is necessary, and prepare for encamping during the whole winter.* This declaration struck the assembly with terror, and the more because the Consul's tenaciousness of his resolutions was known.

A report of another design that Quintius had was whispered about: this was, to call an assembly of the People at some leagues from the city, and to cause all that had been instituted at Rome by the violence of the Tribunes to be annulled in it. It was even said, that the Augurs had received orders to repair to the lake of Regillus, to prepare the place of the assembly with the ceremonies necessary on that occasion,

A.R. 294.
Ant. C.
458.

sion. Now, in that case, the Tribunes could not oppose the resolutions taken in it: for their right of appeal did not extend above a mile from Rome. But what alarmed the People still more, was Quintius's often declaring, that when he quitted his office, he would not call an assembly for the election of Consuls: "That in
" the present extremity of affairs, the usual re-
" medies did not suffice. That the common-
" wealth stood in need of a Dictator, whose
" supreme authority, from which there was no
" appeal, might give an immediate check to
" the bad designs of all who should undertake
" to disturb the tranquillity of the state."

The Tribunes seeing that the alarm was general, and that the discontent against them was upon the point of breaking out, repaired to the Senate, attended by a great number of the most considerable of the People. All of them, in despair on account of the evils that threatened, them, implored with great cries the compassion sometimes of the Consuls, and sometimes of the Senators. Quintius continued firm and inflexible, till the Tribunes promised to submit to what the Consul should require of them. At his request, the Senate then passed a decree in these terms: "That the Tribunes should nei-
" ther pass the Law, nor the Consul make the
" army take the field, this year: That, as to
" the rest, the Senate judged it contrary to the
" good of the commonwealth, to continue the
" magistrates in their offices, and always to re-
" elect the same Tribunes.

The tumult being appeased, Quintius reinstated judiciary proceedings, which had been interrupted for many years. He rendered justice to all that applied for it, and terminated most disputes in an amicable manner. He continued
the

the whole day at his tribunal, was always easy A.R. 294, Ant. C. 458. of access, and whatever the affair to be contested might be, acted in regard to every body with abundance of goodness and moderation. By so wise a conduct, he rendered the government of the nobility so agreeable, that the poor, the common people, and persons of the most contemptible condition, had no longer occasion either to have recourse to the Tribunes against the oppression of the powerful, or to demand new laws for the establishment of equality in trials, so much were they satisfied with that, which the Consul's equity observed to all alike, and his impartiality in all affairs.

So peaceful a government could not fail of Cincinnatus refuses to be continued in the Consulship. applause; and the People in consequence expressed their entire satisfaction in it. But what most charmed them was, that Quintius, upon the expiration of his term, refused to be continued in office with no less constancy, than he had pain at first in accepting it. And indeed the Senate forgot nothing that might induce him to comply with being continued in the Consulship; and they were the more solicitous in that respect, because as the Tribunes had got themselves re-elected for the third time, they were very glad to oppose them with a person capable of striking them with respect and awe, and of preventing them from pursuing their attempts in favour of the new laws.

Quintius had not yet spoke with so much force and vehemence, as he did on this occasion. *It is a wonder*, said he, addressing himself to the Senators, *that your authority should be despised by the People? It is yourselves that render it contemptible. Because the People violate your decree in continuing their magistrates, you are for doing the same that you may not be outdone by*

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Ant. C.
458.

them in temerity; as if to shew most levity and licence, were to have most power in the commonwealth. For certainly there is more of both in violating one's own decrees, than in infringing those of others. Take my advice then, Fathers; imitate the indiscretion of the populace; and you, who ought to set others examples, do ill yourselves by following theirs, rather than teach them to do well by following yours. But as for me, that I may act directly the reverse to the Tribunes, I declare, that I will not suffer myself to be re-elected Consul, in contempt of your Decree. Then addressing himself to his colleague; I conjure you Claudius, said he, to prevent the Senate from committing so gross a fault, and strenuously to oppose their design, if they persist in it; and as to what concerns yourself, I desire you to be assured, that far from taking offence at your opposition, as depriving me of an increase of honour, I shall consider it as a mark of your friendship for me, as an exaltation of my own glory in the proof of my disinterestedness, and as a singular favour, that will spare me the envy and shame which the continuation of the Consulship might otherwise draw upon me. It was necessary to comply with so express a resolution. The Senate prohibited the re-electing Quintius Consul, and declared, that if such prohibition did not take place, and the suffrages were in his favour, that no regard should be had to them. He was not elected.

With the highest praises and blessings, and become the object of the universal esteem, admiration, and love, Quintius divested himself of the purple, and made haste to return to his oxen, plow, and cottage, where he lived as before, by the labour of his hands.

Is there any thing wanting to the glory of Quintius? Can the greatest riches, the most superb

perb palaces, the most sumptuous equipages, A.R. 294.
 dispute pre-eminence with the poor thatch and Ant. C.
 rustic furniture of our illustrious Husbandman? 458.

Do they leave behind them in the minds of those that behold them, the same sentiments, as the simple relation of what regards Quintius gives the reader? Can one, however prejudiced in favour of vanity and glare, deny him one's esteem and admiration? There is then something truly great, noble, and worthy of esteem in the character of this Roman. What an happiness is it for a state, a province, a city, when those who have the administration of the government, approach, though at distance. the sentiments which we admire in Quintius! An inflexible constancy for supporting good order and discipline, tempered with a mildness and candor proper for gaining the affection of the people. A wonderful art and ability in discerning and managing the passions. A conduct uniform, and always guided by reason, never by humour and caprice. A love of the public good, superior to all passions and prejudices. An universal disinterestedness, which never departs from itself. An indefatigable application to labour and the duties of his function, a resolution proof against all things in the administration of justice, and above all, a tender and lively zeal for the defence of the poor, and the weak unjustly oppressed. Quintius, by these rare and excellent qualities, appeased tumult, and put a stop to licence during his consulship, which others were not capable of effecting. States would enjoy perpetual tranquillity, were they governed by prudent, moderate, and equitable persons.

This year there was a *Census*: but it did not close with the usual ceremonies, upon account of the taking of the Capitol, and the Consul's death.

Q. FABIVS,

A.R. 295.

Ant. C.

457.

New troubles.

Dionys.

L. 10. p. 646

—652.

Liv. l. 3.

c. 22—29.

Q. FABIVS, III.

L. CORNELIVS.

The domestic troubles began again under the new Consuls, but were suspended by the necessity the Romans were under of marching their troops in conjunction with those of the allies against the enemy, who had taken the field on different sides. The taking of Tusculum by the Æqui, very much affected the Romans, from the still recent remembrance of the zeal its inhabitants had shewn for Rome in a like danger, when the Capitol was taken. Immediate aid was sent them; but the enemy was retired before it arrived. The Roman arms were equally successful both against the Æqui and Volsci. The revolt of the Antiates was punished by the execution of the ringleaders; and both Consuls were granted the honour of a triumph.

The Tribunes, in their absence, had endeavoured to bring on the affair of the Laws: but it was deferred till their return, as well as the proceedings against Volscius, prosecuted by the Quæstors and several others for false evidence in the trial of Cæso. Both those affairs were postponed till the following year.

The Tribunes were continued for the fourth time, notwithstanding all the endeavours of the Consuls to prevent it.

The *Census* was compleated for the tenth time from the foundation of Rome; and the number of the citizens amounted to an hundred and thirty-two thousand and forty nine.

L. MINUCIUS.

C. NAUTIUS II.

A.R. 296

Ant. C.

456.

The people in the neighbourhood of Rome would not suffer it to remain in tranquillity. The two Consuls were obliged to take the field, Nautius against the Sabines, and Minucius against the Æqui. The first had some successes, but of small importance: the other rashly gave into an ambuscade laid for him, and entered a defile, from which he found it not in his power to retire. Having attempted in vain to open himself a way through the enemy, he was repulsed with considerable loss, and obliged to return to his camp, where Gracchus, the general of the Æqui, inclosed the Romans with a fossè and entrenchment, in hopes to oblige them by famine to lay down their arms, and surrender at discretion.

Minucius is besieged in his camp by the Æqui.

When this news came to Rome, it occasioned universal terror and alarm. Aid was immediately dispatched: but at a Council, wherein the principal persons of the Senate were present, it was concluded, that the commonwealth stood in need of a Dictator, and the Consul Nautius, who had been sent for to Rome, nominated Quintus Cincinnatus in virtue of his office. Livy, who does not mention the plow and poverty of Cincinnatus at his being raised to the Consulship, interrupts his narration in this place, to awaken the attention of his readers by a reflection that is of all times and nations. (a) Let the blind admirers of fortune, who despise every thing in comparison with riches, and who think, that

Cincinnatus is created Dictator. He delivers the Consul, defeats the enemy, triumphs, and abdicates the Dictatorship at the end of sixteen days.

(a) Operæ pretium est audire, qui omnia præ divitiis humana spernunt, neque honori magno locum, neque virtuti putant esse, nisi ubi effusè affluent opes.

A.R. 296
 Ann. C.
 456.

without them there is no real greatness and virtue, give ear to what we are now going to relate. Lucius Quintius, the sole hope of the Roman people, lived in the country on the other side of the Tiber, and passed his time in cultivating with his own hands a small piece of land of four acres, the only estate that had escaped the wreck of his fortune, and which has since been called *the meadow of Quintius*. The deputies found him holding the plow in the same garb, as we have described him above when elected Consul. They saluted him Dictator, desired him to go to Rome, and told him in what condition the army was. A bark had been provided to carry him thither. On his landing he was met by his three sons, accompanied by many of his relations and friends, and by the greatest part of the Senate. Surrounded by this numerous train, and preceded by four and twenty Lictors, he repaired to his house. Upon his entrance into Rome, his first care was to harangue the People, in order to remove their fears. The next morning before light he nominated L. Tarquinius, general of the horse, a Patrician by birth; but who, on account of his poverty, had always served in the foot, and had distinguished himself by his valour above all the young nobility. With him he repaired to the assembly, put a stop to judiciary proceedings, caused the shops to be shut up, and prohibited all work and labour whatsoever. This was the custom in times of great danger, in order that the citizens might attend solely to the safety of the state. He ordered all capable of bearing arms, to assemble before sun-set in the field of Mars, each with bread for

for five days, and twelve palisades. The old A.R. 296.
men, who were not in a condition to serve, were Ant. C.
employed in baking bread for their neighbours; 456.
and the soldiers dispersed themselves on all sides
in quest of stakes. At the time and place pre-
fixed, all assembled, equipped as they had been
commanded.

The Dictator at the head of the infantry, and
Tarquinius at that of the horse, set out with the
army, drawn up, not only for marching, but
battle, in case of necessity. The officers and
soldiers animated each other on their way by
animadverting, “ That it was necessary to make
“ the utmost expedition, in order to come up
“ with the enemy in the night. That the
“ Consul and Roman army had now been be-
“ sieged three days. That it was impossible to
“ know what might happen every moment of
“ the day or night. That the smallest part of
“ time often determined the greatest events.”
The ardor of the troops, as well soldiers as offi-
cers, was inexpressible.

At length they arrived about the middle of
the night near Algidum, a city in the country
of the Latines, and halted when they perceived
themselves not far from the enemy. The Dic-
tator mounted on horse-back, and having exa-
mined the form and extent of the camp of the
Æqui, as much as the night would admit, he
made his army extend itself around them, with
orders to his soldiers to throw up an intrench-
ment before them, to fortify it with palisades,
and to raise a great cry all together at the first
signal that should be given. Those orders were
punctually executed. The cries reached the
camp of the enemy and that of the Consul at
the same time, and carried with them terror
and consternation to the one, and joy and con-

A.R. 296. confidence to the other. The Romans conceived
 Ant. C. that aid was arrived; and the Consul conjectu-
 456. ring it probable, that the action was begun, and
 that the enemy's camp was attacked on the side
 next the country, ordered his troops to take
 arms, and follow him: his design was to make
 a diversion. The battle began in the night,
 and by the cries which the Consul's troops raised
 on their side, the Dictator's Legions knew that
 they were engaged. The Æqui were preparing
 to prevent the workmen from carrying on their
 intrenchment, and from surrounding them,
 when the fear lest the besieged, who had be-
 gun the attack, should break into their camp,
 obliged them to face on that side with almost all
 their forces, and to leave the workmen undis-
 turbed during the rest of the night; for the
 Æqui fought till day-break with the Consul.
 They were by that time almost entirely inclosed
 by the Dictator, who presently after made his
 troops charge their camp. Attacked in this
 manner on all sides, and obliged to fight with
 both armies at once, they soon perceived that
 they were not in a condition to defend them-
 selves, and asked quarter on both sides, implo-
 ring the Romans not to pursue their victory to
 the entire destruction of their nation. The con-
 sul referred them to the Dictator, who answered
 their deputies, that he was willing to spare their
 blood, and grant them peace: but in order to
 draw from them a public confession, that their
 nation was conquered and subjected, he insisted
 that they should lay down their arms, and pass
 under the yoke. That as for Gracchus, author
 of the war, and the rest of their leaders, they
 should deliver them up bound hand and foot,
 in order to their being treated with the utmost
 rigour. The Æqui consenting to all he de-
 manded,

manded, he required farther, that to make Tusculum amends, a city in alliance with the Roman People, which they had taken, plundered, and subjected without any previous injury from the inhabitants, they should give up Corbio to the Tusculans, to be plundered by way of reprisal. The deputies, to whom these answers had been given, returned soon after with Gracchus and the principal officers of their army in chains. The Æqui quitted their camp, without arms and almost without habits, passed in review before the Roman troops, according to the Dictator's orders, and one by one were made to pass under the yoke. The yoke was formed of two spears fixed in the earth, with a third laid across and fastened at the tops of them in the form of a gibbet: this was the highest infamy that could be inflicted on the vanquished. They afterwards surrendered the city of Corbio, as had been agreed. The only favour they asked was, that the free inhabitants should be suffered to quit the place; and in exchange they released the prisoners taken at Tusculum.

The Dictator abandoned the whole camp of the enemy, which was very rich, only to his own troops. As to the army under the Consul Minucius, which had given way before the enemy, and had been repulsed into their camp, he thought it an extraordinary favour to remit them the punishment so shameful a cowardice had deserved. *You soldiers (a), said he to them with a severe tone, who were upon the point of being the enemy's prey yourselves, shall have no share in their spoils. Then turning towards the Consul: And as for*

E 2 you

(a) Carebis, inquit, prædæ parte, miles, ex eo hoste, cui prope prædæ fuisti. Et tu, L. Minuci, donec Con-

fularem animum incipias habere, Legatus his legionibus præeris. *Liv.*

A.R. 296. you, L. Minucius, continued he, till you begin to
 Ant. C. have the spirit and ability of a Consul, you shall
 456. command these legions only as lieutenant. Minu-

cius accordingly was obliged to divest himself of the Consulship. This was a most sensible affront for the troops, and a still greater for the general. But discipline was so religiously observed at that time, and people (*b*) submitted with so much docility to superior merit in authority, that this army, less sensible to the ignominy than the benefit they had received, both decreed the Dictator a crown of gold of a pound weight, and at his departure saluted him their patron and protector.

Quintius returned to Rome, where he received the honour of the most splendid triumph that had ever adorned any general's success, for having in the space of sixteen days, during which he had been invested with the Dictatorship, saved the Roman camp from the most evident danger; defeated and cut to pieces the army of the enemy, taken and plundered one of their finest cities, and left a garrison in it; and lastly, gratefully repaid the Tusculans the service they had rendered Rome. The general, and the most considerable of the Æqui, walked in chains before his chariot; and the ensigns taken from them were carried before him. The army followed laden with booty. Tables were spread before all the houses. The soldiers, stopping sometimes at them, followed the chariot, making the whole city resound with acclamations of triumph,

(*b*) Sed adeo tum imperio meliori animus mansuetè obediens erat, ut beneficii magis quam ignominie hic exercitus memor, & coronam auream Dictatori libræ pondo decreverit, & proficiscentem eum patronum salutaverit. Liv.

umph, mingled with songs, in which the military liberty prevailed.

A. R. 296.

Ant. C.

456.

Methinks I see poverty enter Rome in triumph with Cincinnatus. It appears here cloathed with purple, and with a pompous equipage: but it does not derive its lustre from them. It rather adorns that pomp, and exalts the splendor of the purple. The Dictator will soon return to his field and his labour: but he will neither be less great, nor less venerable in his humble, poor cottage, than he is now upon his car of victory. What force, what power has virtue (a)! It lends its lustre to all that surrounds it, and imparts to every thing an irradiation of glory and magnificence. Whatever it touches, becomes amiable, conspicuous, admirable, notwithstanding an outside, that seems only proper to excite contempt.

The same day, by the unanimous consent of the People, the freedom of Rome was conferred on L. Mamilius of Tusculum. He had well deserved it by his zeal in aiding the Romans against Herdonius: but however their attention in discharging the duties of gratitude, which are often neglected, has something noble, and and therefore most beautiful in it.

Quintius would have abdicated the Dictatorship directly, but for the affair of Volscius, which the Tribunes would have perpetually prevented from being tried, if the authority of the Dictator had not intervened. He was convicted of having given false evidence by many incontestable proofs, amongst others, by Cæso's being proved to have been absent from Rome at

E 3

the

(a) Quidquid attigit, in similitudinem sui adducit, & tingit—Interdum domos totas, quas intravit, disposuit—que, condecorat. Quidquid tractavit, id amabile, conspicuum, mirabile, facit. *Senec. Epist. 66.*

A.R. 296
Ant. C.
456.

Cic. pro
domo sua.
n. 85.

the time he had accused him of committing a murder. The criminal was condemned to perpetual banishment; which was a small punishment for so black a calumny; and retired to Lanuvium, Cæso was recalled, and the Tribunes, who saw how much his father was esteemed and beloved by the People, did not dare to oppose so equitable a sentence.

Quintius then, who had received the sovereign power of Dictator for six months, renounced it at the expiration of sixteen days in the presence of the whole People, after having rendered them an account of his administration.

He carried his generosity still farther. The Senate having offered him as much of the lands he had conquered, as he should think fit to accept, with as many slaves and cattle as were necessary to stock them; and on another side his relations and friends, who had nothing more at heart than to procure a more easy fortune for a person of his great merit, having used their utmost endeavours to prevail upon him to receive some presents, he returned them his thanks in terms of great acknowledgment, but would accept of nothing. He had no passion nor desire beyond the field he cultivated, and the laborious life he had embraced: more glorious and contented with his poverty, than the richest with their treasures.

We may observe here that the shining examples exhibited by Quintius, his love of poverty, his laborious industry in cultivating his field, his sober and frugal life, his zeal for serving his country without reward, his constant refusal to accept lands that might augment his revenue; these, I say, were then the manners of the public, and constituted the character of the Roman people. Examples of this kind made
so

Q. MINUCIUS, C. HORATIUS, Consuls. 55.

so profound an impression upon them, that, in A.R. 296. the latter times, when corruption prevailed, and Ant. C. 456. even under the Emperors, the same virtues were esteemed in the persons who practised them: which is a circumstance not observed of any other people.

The Tribunes of the People were continued for the fifth time.

Q. MINUCIUS.
C. HORATIUS.

A.R. 297.
Ant. C.
455.

The Æqui and Sabines took the field again. *War with* They ravaged the lands of the Romans and al- *the Æqui* lies with a boldness and insolence, which gave *and Sa-* cause to apprehend for Rome itself. The Con- *bines.* suls decreed, that the levies should be made, *Dion. 1.* which the Tribunes, according to their custom, *10. p. 652* did not fail to oppose. Quintius, who had *—680.* been Dictator the year before, and was returned *Liv. 1. 3.* from the country, was of opinion, that, in case *c. 30, 31.* the Tribunes should persist in their opposition, the Consuls, and all the Patricians with their clients and friends, should take arms, and march against the enemy. He was persuaded, that their example would bring over a great number of the citizens, and excite the zeal of all those who had a sincere regard for the public good. He added, that for his part he should be one of the first to join in that glorious undertaking, and hoped that he should find in his zeal for his country the pristine vigour of his youth.

The advice of Quintius being universally approved, all the Senators, after having returned home, and armed themselves, repaired with their children, clients, and friends to the Forum, whither the Consul C. Horatius had summoned the Assembly. The sight of so many

A R. 297. venerable old men, who generously devoted
 Ant. C. themselves for the preservation of the common-
 455. wealth, made a lively impression upon the Peo-
 ple, and drew tears from the eyes of almost all
 that were present. The Tribunes saw plainly,
 that they were upon the point of being aban-
 doned, and gave the Consuls to understand, that
 they had a new proposal to make, which per-
 haps would not displease the Senate, and might
 reconcile every thing.

*Ten Tri-
 bunes of the
 People are
 created in-
 stead of
 five.* The Senate assembled in consequence. The
 Tribunes, who were admitted, declared, they
 would consent that the levy should be made,
 upon condition that instead of five, ten Tri-
 bunes should be created every year for the fu-
 ture. This new creation did not seem at first
 of any prejudice to the commonwealth. Clau-
 dius however strongly opposed it, and shewed
 in few words, that it was not to be expected the
 People would become more docile and tractable,
 when their magistrates were multiplied; and that
 so far from it, it would only make them more
 savage and insolent. Quintius, whose authori-
 ty was so highly respected, affirmed on the con-
 trary, that to increase the number of the Tri-
 bunes, would be of advantage to the Senate, be-
 cause the more there were of them, the less
 would be their union amongst themselves. This
 opinion prevailed, and was confirmed by a de-
 cree of the Senate, which permitted the People
 to create ten Tribunes annually, but upon con-
 dition, that none who were in that office at
 present, should be re-elected the first year. The
 People, to prevent all cavil and debate that
 might arise upon that head when the war was
 over, assembled immediately, and nominated the
 ten Tribunes. This change was made thirty-six
 years after the first institution of that office.

The

M. VALERIUS, S. VIRGINIUS, Consuls. 57

The Consuls immediately marched against the enemy, and defeated them without difficulty.

A.R. 297.
Ant. C. 455.

M. VALERIUS.
SP. VIRGINIUS.

A.R. 298.
Ant. C. 454.

The Roman People had no war abroad during this year, but disputes were renewed at home. Icilius, one of the Tribunes, demanded that ground upon mount Aventine should be granted to the People to build upon. This hill, of no great height, and about twelve stadia in circumference, (something more than half a league) was inclosed within the walls of the city, but was not entirely inhabited: there was a void space upon it planted with trees, which served for the convenience of the public. As the Consuls deferred answering, and endeavoured to gain time, the Tribune dispatched a Serjeant to the Consuls to command them in his name to assemble the Senate immediately, and to repair to it themselves without delay. The Consuls, enraged at so bold and so new a proceeding, ordered the serjeant, who brought those orders, to be driven away with stripes by a Lictor. Icilius and his colleagues, offended at that insult, seized the Lictor, and dragged him away in order to put him to death. The Senate, being unwilling to use violence, endeavoured to bring over some one of the Tribunes. But Icilius had been beforehand with them, and had made the Tribunes swear, that none of them would oppose the proceedings of their colleagues, their whole strength consisting in their union. However, at the request of the magistrates they released the Lictor. The Senate at length consented, that the law should pass. It was, “ That
“ the

*Part of
mount A-
ventine
granted the
People to
build upon.*

A.R. 298. " the estates legally acquired by particulars up-
 Ant. C. " on mount Aventine, should continue in their
 454. " possession : that those who should be disco-
 " vered to have built upon ground usurped ei-
 " ther by fraud or force, should be obliged to
 " restore it for the use of the People, upon be-
 " ing reimbursed the expences they had been
 " at in building, according to estimates to
 " be taken by proper persons : that the rest of
 " the ground, which belonged to the public,
 " should be distributed amongst the People,
 " without any demand on that account."

There was nothing unreasonable in this Law, and the Senate ought to have passed it of their own accord, and to have prevented the Tribunes demand : but the People obtained nothing from them, but at the point of the sword, the opposition was so great, and become in a manner natural between the two Orders. After the publication of the Law, the Plebeians assembled, and drew lots for the pieces of ground, which had been granted them. Every one built according to his power. Some joined two or three together, and erected an house at their common expence, of which the one had the first, and the others the other stories. This whole year passed in building, which the number of the citizens, that continually augmented, made necessary.

But what gave the authority of the Consuls a considerable wound in this dispute, was that the Tribunes, after the example of Icilius, retained Val. Max. the power of assembling the Senate, though at
 L. 2. c. 2. their institution they did not presume to enter into so august a place, without being called in, and used to wait in the porch, till they were informed of the resolutions of the Fathers.

The same Tribunes of the People were continued.
 T. ROMI-

T. ROMILIUS.

A.R. 299.

C. VETURIUS.

Ant. C.

453.

Rome had been for some years a perpetual scene of revolutions. Concord and Division alternately succeeded each other. Unity prevailed in the city, whilst there was war abroad; and as soon as peace was restored, the domestic troubles took place again. They were very violent from the beginning of this year.

The Tribunes propose the Agrarian Laws again.

The Tribunes brought on more vigorously than ever the affair of the Agrarian Laws, which had been suspended for thirty years, and that of the New Laws, the institution of which had been demanded during a considerable length of time. The day appointed for the assembly being arrived, the Tribunes began with the Agrarian Laws. After having expatiated on their justice and necessity, they left every one that thought fit at liberty to speak in favour of those Laws. Many presented themselves, and repeated the great services they had done in war. They exclaimed that it was highly shameful they should have no part of the many lands which they had taken from the enemy, and that all those new inheritances, that of right appertained to the public, should be possessed by rich particulars, whose credit and violence were the only titles they could pretend for enjoying them. They demanded, that as they shared with the Patricians in the labours and dangers, in which the occasions and interests of the commonwealth engaged them, they might also share with them in the advantages and comforts accruing from them.

The People heard these discourses with pleasure: but nothing affected them so much as the speech of L. Siccius, surnamed Dentatus. He

was

A.R. 299. was of an advantageous stature and person, re-
 Anr. C. tained all his strength and vigour, though fifty-
 453- eight years of age ; was a man of sense and pru-
 dence, and sufficiently eloquent for a soldier.

Dionys.
 l. 10.

He advanced into the midst of the assembly, and spoke to the following effect. *I should never make an end, Romans, were I to recount the particulars of all that I have done for the service and glory of this commonwealth. To avoid being tedious, I shall only repeat in few words the principal actions of my life. This is the fortieth year that I have served my country, and the thirtieth that I have been an officer, sometimes at the head of a battalion, and sometimes as commander of a Legion. During the forty years that I have carried arms, I have been in twenty-six battles ; I have received forty-five wounds, all honourable, and none that I have reason to be ashamed of. I received twelve in one day, when Herdonius had seized the Capitol. I have been in few battles, without bringing off the prize (1) of valour. I have*

(1) Kennet, in his *Roman Antiquities*, (Part II. c. 16) gives the following account of the military rewards mentioned here, which it was thought proper to insert at length in this place.

The encouragement of valour and industry was much more considerable than the proceedings against the contrary vices. The most considerable (not to speak of the Promotion from one station to another, nor of the occasional *donatives* in money, distinguished by this name from the largesses bestowed on the common People, and termed *Congiarii*) were, first, the *Dona Imperatoria*; such as

The *Hasta pura*, a fine spear of wood without any iron on it; such an one as Virgil has given Sylvius in the sixth book of the *Æneids*, ver. 760.

*Ille, vides? pura juvenis
 qui nititur hasta.*

This present was usually bestowed on him, who in some little skirmish had killed an enemy, engaging him hand to hand. They were reckoned very honourable gifts, and the Gods are commonly represented with such spears on the old coins. Mr. Walker derives hence the custom of our great officers carrying white rods or staves, as ensigns of their places.

The

have been crowned fourteen times by as many citizens, whose lives I had saved on different occasions. A. R. 299. Ant. C. 453.
I have obtained the crown *Obsidionalis*, after ba-

ving

The *Armilla*, a sort of bracelets, given upon account of eminent service only to such as were born Romans.

The *Torques*, golden and silver collars, wreathed with curious art and beauty. Pliny attributes the golden collar to the auxiliaries, and the silver to the Roman soldiers; but this is supposed to be a mistake.

The *Phaleræ*, commonly thought to be a suit of rich trappings for a horse, but, because we find them bestowed on the foot as well as the cavalry, we may rather suppose them to have been golden chains of like nature with the *Torques*, only that they seem to have hung down to the breast; whereas the others went only round the neck. The hopes of these two last are particularly urged, among the advantages of a military life, by Juvenal, *Sat. XVI. ver. 60.*

Ut læti phaleris omnes, & torquibus omnes.

The *Vexilla*, a sort of banners of different colour, worked in silk, or other curious materials, such as Augustus bestowed on Agrippa, after he had won the battle of Actium.

Next to these were the several coronets received on various occasions. As,

Corona Civica, given to any soldier that had saved the life of a Roman citizen in an

engagement. This was reckoned more honourable than any other crown, though composed of no better materials than oaken boughs.

Virgil calls it *Civilis Quercus*, *Æn. VI. ver. 772.*

Atq; umbrata gerunt civili tempora quercu.

Plutarch has guessed very happily at the reason why the branches of this tree should be made use of before all others. For the oaken wreath, says he, being otherwise sacred to Jupiter, the great guardian of their city; they might therefore think it the most proper ornament for him who had preserved a citizen. Besides, the oak may very well claim the preference in this case; because in the primitive times, that tree alone was thought almost sufficient for the preserving of man's life: Its acorns were the principal diet of the old mortals, and the honey which was commonly found there, presented them with a very pleasant * liquor.

It was a particular honour conferred on the persons who had merited this crown, that when they came to any of the public shows, the whole company, as well Senate as People, should signify their respect, by rising up when they saw them enter; and that they should take their seat on these occasions amongst the Senators; being

* *Vide Plutarch. in Coriolan.*

62 T. ROMILIUS, C. VETURIUS, Consuls:

A.R. 299. *ving obliged the enemy to raise a siege. I have*
 Ann. L. *been three times rewarded with the mural crown,*
 455. *for having been the first upon the enemy's*
walls. I have had eight more, given me by the
generals of our armies, for having re-taken the
ensigns of the Legions from the enemy. Amongst
the proofs of my valour, I reckon fourscore and
three gold chains, sixty bracelets of the same metal,
eighteen

ing also excused from all troublesome duties and services in their own persons, and procuring the same immunity for their father, and grandfather by his side.*

Corona Muralis, given to him who first scaled the walls of a city in a general assault; and therefore in the shape of it there was some allusion made to the figure of a wall.

Corona Castrens, or *Val-laris*, the reward of him who had forced the enemy's intrenchments.

Corona Navalis, bestowed on such as had signalized their valour in an engagement at sea; being set round with figures like beaks of ships.

—*Cui belli insigne superbum*
Tempora navali fulgent ro-
strata corona.

Virg. *Æn.* VIII. v. 684.
 Lipsius fancies the *Corona Navalis* and the *Rostrata*, to have been two distinct species, though they are generally believed to be the same kind of crown.

Corona Obsequialis: This was not like the rest, given by the general to the soldiers, but presented by the common consent of the soldiers to the general, when he had

delivered the Romans, or their allies, from a siege. It was composed of the grass growing in the besieged place.

Corona Triumphalis, made with wreaths of laurel, and proper only to such generals as had the honour of a triumph. In after-ages this was changed for gold [*Aurum Coronarium*] and not restrained only to those that actually triumphed, but presented on several other accounts, as commonly by the foreign States and Provinces to their patron and benefactors. Several of the other crowns too are thought to have been of gold; as the *Castrens*, the *Mural*, and the *Naval*.

Besides these, we meet with the *Coronæ auræa*, often bestowed on soldiers without any other additional term.

And Dion Cassius mentions a particular sort of coronet made with olive boughs, and bestowed like the rest, in consideration of some signal act of valour.

Lipsius believes these to have succeeded in the room of the golden crowns, after the latter were laid aside.

eighteen spears, and twenty-five suits of armour, A.R. 299
of which nine were taken from as many enemies Ant. C.
conquered in single combat. However, Romans, 453.
this Siccus, who has no part of his body, that is
not covered with scars, who at the price of his
sweat and blood, with his brave fellow-soldiers, has
acquired for his country so many rich territories
from the Etrusci, Sabines, Æqui, Volsci, people of
Pometia, and other enemies of the Roman name;
this Siccus, I say, does not possess a single inch
of land, no more than you, Romans, who have been
the companions of his labours. The finest and best
part of those inheritances are in the hands of citi-
zens, whose insatiable avidity we all know, who
have enjoyed them for many years, without having
received them from you, without having paid any
price for them, and without being able to shew any
title for so unjust a possession. Let them, those haughty
patricians, whose sole merit consists in the nobility
of their origin, and the recommendation of their
names, let them instance the glorious exploits which
give them the preference to me, and deserve a re-
ward of which I am not worthy. Suffer your pa-
tience to be insulted no longer, Romans. Shew that
you are not ignorant of merit, and that you know
how to reward those, who devote themselves to
your service.

The enumeration which we find in this speech
of the military rewards of the Romans, is very
remarkable, and certainly merits great atten-
tion. How much must such marks of honour
have exalted the valour of the troops, and in-
spired the soldiery with noble sentiments! In-
stead of which, they are generally kept amongst
us in an abject and infamous state, and all their
services are forgotten.

A.R. 299. The People were so much moved with the
 Ant. C. discourse of Siccius, and conceived such indig-
 453- nation against his opponents, that they would no
 longer give ear to any reply. The Demand of

*The Sen-
 ate's rea-
 sons for op-
 posing the
 Agrarian
 Law.*

the Tribune in this point, seemed in effect so well founded in justice, that it was thought impossible to oppose it with any colour of reason, and the People could scarce consider the tenacious resistance of the Senate in any other manner, than as a notorious refusal of justice, and a partiality entirely to be condemned. So venerable a Body, composed of so many persons of well known prudence and virtue, must however undoubtedly have had strong reasons for acting as they did. The possession of lands belonging to the public might be unjust as to its origin, at which time it both might and ought to have been remedied. But, as the Abbé Vertot observes, a new partition would have been attended with great difficulties. For that effect, it would have been necessary to have discovered, and established, an exact distinction between the antient patrimony of every individual, and what additions had been made to it from the lands of the public. It would even have been necessary to have extended that distinction so as to have decided between the districts of the public domains which the Patricians had purchased, and those which they had taken at first only under the title of the *Census*, either in their own, or in borrowed, names; and which they had afterwards confounded, as part of the Plebeians had also, in their peculiar patrimonies. A long prescription made it next to impossible to trace these different usurpations by the strictest inquiries. The Patricians had since divided those lands amongst their children as their patrimony; which lands, become hereditary, had passed into
 different

different houses, either by title of inheritance, ^{A.R. 299.} or by sale and acquisition. It seemed therefore ^{Ant. C.} impossible to proceed in this affair, without ^{453.} great injustice to many persons in actual possession of these lands, who had really bought them, and without occasioning great and universal commotions in the commonwealth. These, without doubt, are the reasons that induced the Senate to oppose the establishment of the Agrarian Laws so obstinately. The great inconveniences of those Laws evidenced themselves in the most distinguished manner under the Gracchi, who, by renewing them, plunged all Italy in trouble and confusion.

The Senate opposed them on the present occasion with more constancy than ever. Many assemblies were held on this subject, in which nothing could be concluded, they were so tumultuous. The Tribunes, or at least their officers, were sometimes roughly handled by the young Patricians. Those who expressed most zeal for the Consuls in this conjuncture, were the Postumii, the Sempronii, and the Cloëli, three Patrician families highly distinguished by their birth, riches, the great number of their creatures, and the fame of their great actions. It was generally believed owing to them that the Agrarian Laws were not confirmed by an ordinance of the People.

Accordingly it was against them only the Tribunes directed their resentment. They cited them to appear before the People, to render them an account of their conduct. Some were for proceeding against them with the utmost rigour, in order to intimidate the Patricians: but the majority were more mildly inclined. The Pretended criminals, having failed to appear at the day assigned them, and suffered themselves to

66 T. ROMILIUS, C. VETURIUS, Consuls.

A R 299. be condemned by default, had a fine laid on
Ant. C. them. The Patricians returned them the sums
153. they paid, out of the public money.

Soon after, advice came that the Æqui had made an irruption into the territory of the Tuscians, and that their city was in danger. It was thought shameful to defer aiding a people, who suffered only on account of their attachment to the Romans. The two consuls set out at the head of a numerous army, that followed them notwithstanding the opposition of the Tribunes. Siccus was in it, and commanded a body of eight hundred men, whom their age exempted, as well as himself, from the service. He both gave good counsels, and rendered great services, to the Consuls : who, far from expressing any gratitude to him on those accounts, were suspected of having sought to destroy him by a dangerous commission (1) which they gave him to execute,

(1) That dangerous commission was given Siccus by the Consuls, with design to destroy him and his veterans, upon account of his late conduct in favour of the Agrarian Law. It was to attack the enemy's camp upon an hill by a way, where, as he represented, it was next to impossible to avoid being cut off. However, the Consul insisting upon his obedience, upon pain of being dismissed the service with shame, he complied, marched by a different way round the hill, and whilst the two armies were engaged upon the plain, surprized the enemy's camp, put the troops in it to the sword, and then charged the army of the Æqui in the rear, which completed the victory.

Siccus, at night when the slaughter was over, retired to the enemy's camp without having lost a man ; where, by the consent of his veterans, he killed the prisoners and horses, and burnt the tents, arms, and baggage ; leaving none of the marks of victory necessary in a triumph. He then set out for Rome with his battalion, and by his remonstrances in the assembly, concerning the design of the Consuls to destroy him and the veterans, prevented them from being granted a triumph. See Dionys. l. 10.

Mr. Rollin has followed Livy here, who, to the surprise of many, says nothing of Siccus Dentatus, till his murder by the Decemvirs.

SP. TARPEIUS, A. ATERIUS, Consuls. 67.

ecute, and from which he extricated himself solely by his valour and conduct. The Æqui were defeated in a battle, wherein they had above seven thousand men killed. The rest were put to flight, and great spoils were taken. The Consuls caused them to be sold for the benefit of the public treasury, which was entirely exhausted.

A.R. 299.
Ant. C.
453.

SP. TARPEIUS.
A. ATERIUS.

A.R. 300.
Ant. C.
452.

Siccus, who was chosen Tribune, on the same day that he took possession of his office, cited Romilius, one of the Consuls of the last year, before the People. The Edile Allienus did the same in respect to Veturius, Romilius's colleague. Both were fined.

S E C T. III.

The Tribunes of the People solicit the passing of the Law Terentilla, In consequence. deputies are at length sent into Greece, to collect such laws as they should judge most agreeable to the customs and manners of the Romans. On their return, ten commissioners, under the name of Decemviri, are elected to reduce those laws into form. Appius is at the head of them. They prepare ten Tables of law, which after mature examination are accepted and confirmed by the People. New Decemvirs are chosen, with Appius still at the head of them, to add a supplement to those laws. Two tables are drawn up to be annexed to the former ten. The third year the Decemvirs continue themselves in their office, and commit all kinds of violence. The Sabines and Æqui take the field against the Romans: difficulties about levying the army. Siccus is killed by order of the Decemvirs. Appius endeavours to get possession of Virginia. Her father, to preserve her from infamy, is reduced to kill her with his own hand. The two armies revolt, and retire first to mount Aventine, and afterwards to the Sacred Mountain. The Decemvirs are reduced to quit their office. Peace is re-established. Tribunes of the People are chosen. The new consuls pass laws highly in favour of the People. Appius is cited to take his trial, and sent to prison, where he and Oppius die. The rest of the Decemvirs are banished. The XII Tables of Laws are ratified by the People in assemblies wherein the Consuls preside.

A.R. 300
Ant. C.
452.

The Tribunes of the People solicit the passing of the Law Terentilla.

Dionys.

l. 10. p. 673
—680.

Liv. l. 3.

c. 52.

SP. TARPEIUS.

A. ATERIUS.

THE Romans, as we have said already, had hardly any fixed and certain Laws, so
I that

that the Consuls, and the Senators commissioned ^{A.R. 306.} to act as judges either in their stead or in con- ^{Ant. C.} junction with them, were absolute arbiters of ^{452.} the fate of the citizens. Terentillus, a Tribune of the People, had proposed a law several years before, by which it was ordained, that instead of the arbitrary judgments rendered by the magistrates, laws should be instituted to serve as the rules of Right in the commonwealth, as well in respect to the government and public affairs, as the differences between private persons.

The Tribunes of the People actually in office solicited the execution of the law *Terentilla* with abundance of force and vivacity. The Senate, tired at length with contending, decreed “ That
 “ ambassadors should be sent to the several
 “ people descended from the Greeks and settled
 “ in Italy, and also to Athens. That after
 “ having examined the laws of those countries,
 “ they should collect such of them as they
 “ should judge most agreeable to the present
 “ constitution of the Roman commonwealth.
 “ That at their return, the Consuls should de-
 “ liberate with the Senate upon the choice of
 “ legislators, of the power to be confided to
 “ them, and the time they were to continue in
 “ office.” This was immediately put in execution. Sp. Postumius, Servius Sulpicius, and A. Manlius, three persons of Consular dignity, were appointed deputies. Three galleys were fitted out for them at the public expence, of a magnificence that might do honour to the Roman people.

P. CURIATIUS.

SEXT. QUINTILIUS.

A. R. 301.
Ant. C.
451.

This year was remarkable for a dreadful plague, that raged in the city of Rome and the neighbouring country. It carried off almost all the slaves, and half the citizens, neither the * physicians, nor their relations, being able to assist them, because as soon as people approached the sick, they were seized with the distemper. It also swept off a great number of the magistrates, and amongst the rest Quintilius, one of the Consuls. The plague, which had occasioned the cultivation of the lands to be neglected, was followed by a famine.

A. R. 302.
Ant. C.

C. MENENIUS.

P. SESTIUS CAPITOLINUS.

450.
Ten commissioners, under the name of Decemviri, are chosen to reduce the laws into form.

The deputies, sent to collect the laws of Greece, were returned from thence, and the Tribunes pressed the Senate warmly to proceed to the great affair of the laws. The Consul Menenius, to whom this change was very disagreeable, but who was afraid to oppose it openly, used evasion, and caused it to be represented, (for a real or pretended illness kept him at home) that as this great affair was to be transacted under the next Consuls, decency, and even justice, required that nothing should be done in it, till they were nominated. He was in hopes, that the election of Consuls might suspend that of Decemvirs, which was much talked of. The eagerness of the Tribunes occasioned the hastening of the assemblies for that purpose.

* According to Pliny, l. 29. c. 1. it was not till the 525th year of Rome, that a physician came thither from Greece. But the authority of Dionys. Hal. is to be preferred.

purpose. Appius Claudius, whose ancestors ^{A.R. 302.} had always been firmly attached to the Senate, ^{Ant. C.} was elected Consul, and had T. Genutius for ^{450.} his colleague.

That obstacle being removed, the Senate assembled, and came to a resolution, that Decemviri should be elected out of the most considerable Senators, whose authority should continue for one year, to commence from the day of their election: that they should govern the commonwealth with the same power as the Consuls then had, and as the Kings were formerly invested with, “but without any appeal from their judgments, which gave them an exorbitant power; that they should take cognizance of all affairs as well public as private; that all other magistrates, and even the Tribuneship, of which the People were so jealous, and in which their whole strength consisted, should be abolished; and that all persons in office should abdicate their authority.” This decree was received with great applauses by the People. The two Consuls, nominated for the ensuing year, were the first that set the example of abdicating. An assembly was immediately held by Centuries, in which the new magistrates were created.

Thus in the three hundred and second year from the foundation of the city, the government was changed for the second time, and all authority transferred from the Consuls to Decemvirs, as it had been from the Kings to the Consuls: but this last change was of very short duration.

It is not easy to comprehend, how the Senate and People could unite in creating ten magistrates with sovereign authority, and abolishing all other magistrates, without any difficulty or opposition arising on that head. I am

A. R. 302.
Ant. C.
450.

less surprized at this on the side of the People, I know they had long demanded a Body of laws ; that they detested the name and power of the Consuls ; and that therefore they consented to the institution of a new Magistracy. I know also that the Senate, on their side, abhorred the Tribunes, and flattered themselves with the hope of abolishing their power by setting up that of the Decemvirs, who were all chosen out of their order. But, besides that this hope was without any solid foundation or probability, did the Senate perceive no inconvenience, no danger, in this new institution ? To appoint ten commissioners out of that august body, in order to their applying themselves in concert to the intended collection of laws, nothing could be wiser. But wherefore were all other magistrates to be abolished ? Why were these to be invested with sovereign and (1) unlimited power ? Of what use could it be to them in preparing a new Body of laws, which were not to be imposed on the People by way of force and authority, but to be submitted to their judgment, and not to be accepted by them, till after long and serious examination ? An annual power, without any limits, is a great temptation ; and the Senate, so full of wisdom and foresight as it was, ought to have apprehended the consequences of it.

AFPIUS

(1) *There was one limitation of their power: that they should make no alteration in the law of the Mens Sacer,* for creating of Tribunes; nor in the Icilian law, by which it was made penal to interrupt them in the assemblies.

APPIUS CLAUDIUS.

T. GENUTIUS.

P. SESTIUS, &c. *Decemviri*.

A. R. 302.

Ant. C.

450.

THE DECEMVIRS created by the People for the first time, were Appius Claudius and T. Genutius, who had been nominated Consuls for the year following; P. Sestius, Consul for the current year; Sp. Postumius, Serv. Sulpicius, A. Manlius, who had been sent into Greece and had brought back the laws; and T. Romilius, whom Siccius had cited before the People, and who had regained their favour by changing his sentiments: the other three were C. Julius, L. Veturius, and P. Horatius. All these Decemvirs were Senators of Consular dignity. The Tribunes, Ædiles, Questors, and all other magistrates of antient institution, were abolished.

On the expiration of the year, the Decemvirs created for the institution of laws, took possession of the government, and began to give a new form to the commonwealth. Only one of them had the twelve *fascēs* (rods and axes) born before him, and the other ensigns of Consular authority. His function was to assemble the Senate, to cause its resolutions to be put in execution, and to discharge the other duties, that naturally appertained to the supreme magistrate. The other Decemvirs, to avoid giving the People any jealousy of their power, had nothing to distinguish them from the rest of the citizens, except a single Officer, called *Accensus*, who walked before each of them. The authority of him that presided, continued only a day according to Livy, after which another took his place; and

A. R. 303.

Ant. C.

449.

A.R. 303. and to the end of the year they succeeded each
Ant. C. other as presidents in their turns.

449. In the morning, they all went to their tribunal, where they took cognizance of all contracts with the commonwealth, and between private persons. They decided disputes in respect to affairs as well within doors as without, of people in subjection to the commonwealth, as well as of allies and states, whom there was cause to distrust. Justice was rendered with all possible exactness and equity, and every body departed from this tribunal with equal satisfaction.

Nothing was more agreeable than the regard they expressed for the people's interests, and the protection, which the meanest of them found against the oppression of the Great: so that it was generally affirmed in Rome, that there was no longer any occasion for the Tribunes or other magistrates; so much was the wisdom and moderation of this new government admired. What an happiness would it be for a state to be always governed in this manner! What peace, what tranquillity, would the public and individuals enjoy! What consolation, what glory, would such an exercise of power be to princes and magistrates! And how happens it, that persons in authority are so little sensible to so refined, so serene an enjoyment?

Amongst all the Decemvirs, Appius engrossed the whole glory of the administration in the judgment of the People, and it might be said in some sense, that the whole authority of this magistracy vested in him, by the ascendant he had assumed over his colleagues, and the People at the same time. He had not only found the secret to distinguish himself peculiarly in what he transacted in concert with the other Decemvirs; but the mildness and affability,
with

with which he descended to the occasions of the meanest and weakest of the citizens, and his attention in saluting and calling them by their names, had gained him all hearts. (a) He had till then been the declared enemy of the Plebeians. His disposition, naturally cruel and violent, through the hatred he had conceived for them, rose even to ferocity. But on a sudden he was become another man, and entirely different from what he had been before: he was obliging, humane, popular, and solely intent upon pleasing the multitude, and acquiring their affection.

So prudent a conduct made every body relish the government of the Decemvirs during the first year. The perfect union that prevailed amongst themselves, far from being prejudicial to particulars, as it too often happens, was attended with entire equity in regard to all the citizens. (b) But this joy was short-lived, and cost dear, as we shall soon see.

The Decemvirs applied themselves industriously during the whole year in preparing their Body of Laws, which they extracted partly from the Ordinances of the Kings of Rome, and partly from what had been borrowed from the Laws of Greece, which were interpreted for them by one Hermodorus (1), a man of great

The Decemvirs prepare ten tables of laws, which are ratified by the People. Cic. Tusc. l. 5. p. 105. Strab. l. 14.

(a) Regimen totius magistratus penes Appium erat, favore plebis: adeoque novum sibi ingenium induerat, ut plebicola repente, omnique auræ popularis captator evaderet, pro truci sævoque infectatore plebis. Liv.

(b) Læta principia magistratus ejus nimis luxuriavere. Liv.

(1) Strabo says, Lib. 14. that Heraclitus wrote a letter to congratulate this Hermodorus upon his share in compiling the Roman laws: to which he added, that in a dream he had seen all the nations of the earth prostrating themselves before these laws after the Persian manner. Plin. l. 34. c. 5.

A. R. 303. great worth, and one of the principal persons
 Ant. C. of Ephesus, who, having been banished from
 449. his country, happened at that time to be at Rome. Pliny informs us, that a statue was erected in honour of him in the Forum. When they had compleated their work, they caused it to be engraved upon ten Tables, which they submitted to the judgment of all the citizens. When they presented them in the assembly of the People, who expected them with impatience, they said, “ That they had laboured, to
 “ the utmost of their capacity, to make laws
 “ equally in favour of Great and Small: but
 “ that the reflections and remarks of a great
 “ number of persons might much improve
 “ them. They therefore exhorted the citizens
 “ to examine each article maturely in their
 “ private capacity; then to confer together
 “ upon them, and to impart to them (the Decemvirs) whatever they should conceive it
 “ necessary to add or retrench. (a) That in
 “ consequence, the Roman People would have
 “ laws, which they could not so properly be
 “ said to have accepted and confirmed, as to
 “ have dictated and composed themselves.”

They were accordingly long exposed to the view of the public, which had sufficient leisure to examine them, and to hear the opinions of the wisest persons upon them: the sure and only means of giving laws a fixed and permanent authority. When there remained nothing farther to except against, and every body appeared satisfied, the Senate first approved them by a decree. They were afterwards carried to the
 assembly,

(a) Eas leges habiturum fuisse latas magis, quam tu-
 populum Romanum, quas lisse videri posset. *Liv.*
 consensus omnium, non jus-

assembly, (called *Comitia Centuriata*) where the People distributed by Centuries, in the presence of the Pontiffs, Augurs, and other ministers of divine worship, who had performed the usual ceremonies, had the liberty of giving their suffrages. These laws, thus ratified by the unanimous consent of the whole Roman People, were engraved upon pillars of brass, and placed in the most conspicuous part of the Forum: (a) Those tables, says Livy, even in the present immense heap of laws accumulated upon one another, are still the source of all public and private Right.

As the government of the Decemvirs was upon the point of expiring, they proposed to the Senate to deliberate upon what kind of magistracy it was necessary to establish for the future. After hearing many reasons on both sides, they at length agreed with the opinion of those who were for creating new Decemvirs, and for continuing the administration of the commonwealth in their hands. It was believed that some laws were still wanting to those which had lately been made; that a year had been too short a space of time for giving so great a work its final perfection, and that to put the execution of those laws on foot, and to cause them to be inviolably observed by all the world, the independent and sovereign authority of the same magistracy which had prepared them, was requisite. Such was the result of several deliberations which was the more generally approved, from the Senate's seeing themselves still delivered thereby from the power of the Tribunes,

(a) Decem tabularum leges perlatæ sunt: qui nunc quoque in hoc immenso aliarum super alias acervatarum legum cumulo, fons omnis publici privatiq. est juris.

A. R. 303. Tribunes, and the People from Consuls, whose
 Ant. C. authority was become almost as odious to them
 419. as that of Kings.
New De-

cemvirs
created.
Appius is
continued.
 Liv. 1. 3.
 c. 35—37. When the day of the assembly for the election of new Decemvirs was appointed, the city was in a much greater and more general ferment than had ever been known upon a like occasion. The Senators most distinguished by their age and merit demanded that office, apprehending, no doubt, that if they did not offer themselves, factious and turbulent persons might be invested with it, and occasion considerable prejudice to the commonwealth. Appius, who secretly designed to have himself continued, seeing those great persons, who had passed through all dignities, so warm in the pursuit of This, was seriously alarmed at it. The People, charmed with his past conduct whilst Decemvir, openly professed their desire to continue him in it, preferably to all others. He at first affected a repugnance to charging himself a second time with a laborious employment, so capable of exciting jealousy against him; and to inspire his colleagues with the design of renouncing it, he publickly declared, that as they had discharged all the duties of good citizens by their assiduous cares for an whole year, it was just to grant them repose and successors. The more difficult he appeared, the more he was solicited to comply with the desires and wishes of the whole city. He at length pretended to yield with pain and reluctance to the instances of the multitude. He exceeded all his competitors for this office in address, artifice, and management. In the Forum, he was seen saluting one, giving his hand to another, and walking erect in the midst of the Duilii and Icilii, those chiefs of the People,
 and

and to use the expression, props of the Tri-
buneship, and making his court to the multi-
tude by their means. (a) The more false and
contrary to his character those popular conde-
scensions were, the more he affected to multi-
ply them; in order, if possible, to make them
appear natural and probable: but in that he
much deceived himself. For his colleagues,
who till then had been entirely at his devotion,
began to open their eyes, and conceived, that
such abandoned civilities and abject submissions
were not without design from a man naturally
proud and haughty.

They however did not venture to oppose his
views in a direct manner: they had recourse to
a stratagem, which, they imagined, might prove
successful. This was to chuse him, as the
youngest amongst them, to preside in the as-
sembly. It was the custom for the president to
name the persons who aspired at Offices to be
filled up. They reckoned by this means to put
it out of his power to name himself, which had
never been done, except by the Tribunes of
the People, and that not without giving great
offence, as a practice repugnant to decency and
the modesty necessary in public affairs. Weak
barriers against ambition! Appius accepted the
offer with joy, and well knew how to turn the
obstacles laid in his way into the means of suc-
cess. Not contented with causing himself to be
elected, he took pains to make the choice of
the People for the other nine places fall on his
friends, and to exclude the most distinguished
of his competitors, as well as all his colleagues
of the first Decemvirate: and this he also ef-
fected. Accordingly he was created Legislator
by

(a) *Quantò magis falsa erant quæ fiebant, tantò plura
facere. Tacit. Hist. l. 45.*

A. R. 303.
Ant. C.
449.

by the Centuries of the People, with Q. Fabius Vibulanus, a person illustrious by three Consulships, irreproachable till then, and distinguished by his merit and zeal for the Aristocracy, as well as his birth, and the remembrance of the illustrious Fabii, of which house he was the sole surviving branch. The surprizing change which will soon appear in this Decemvir, shews with (*a*) what facility the down-hill paths of Vice sometimes ensnare the wisest men. His other colleagues amongst the Patricians were M. Cornelius, M. Servilius, L. Minucius, T. Antonius, and Manius Rabuleius, all people of little merit, but highly attached to his interests. But what still more surprized the Senate, was that Appius, forgetting his own glory, and that of his ancestors, was not ashamed, in order to flatter the late Tribunes, to whom he had sold his faith, to propose three Plebeians for Decemvirs, under pretence that it was but just some of them should be in that office, to take care of the interests of the People. Accordingly he caused Q. Petilius, Cæso Duillius, and Sp. Oppius, to be admitted into it: which entirely gained him the multitude.

A. R. 304.
Ant. C.
448.

APPIUS CLAUDIUS.

Q. FABIVS VIBULANVS.

M. CORNELIVS, &c. *Decemviri*.

•The year following, on the ides of May, according to the custom of those days, the new Decemvirs entered upon office (*b*): at which time ended the part Appius had played the year before. He now took off the mask, and shewed himself

(*a*) Facilis in proclivia vitiorum decursus est. *Senec. de ira, l. 2. c. 1.*

(*b*) Ille finis Appio alienæ personæ ferendæ fuit. Suo inde vivere ingenio cœpit. *Liv.*

himself in his real character. (a) True and solid virtues increase and acquire strength with time: but feigned and assumed characters never support themselves long, and soon return into their own nature. A.R. 304.
Ant. C.
448.

The first thing the Decemvirs did, was to enter into a secret treaty under the most dreadful oaths, mutually to support each other, and the authority of the whole Decemvirate, in all the enterprizes which they should think fit, jointly or separately, to undertake; not to divest themselves of the office they had received; to admit no person besides themselves to have any share in the government; to enjoy all of them the same honours, and equal power; to have recourse very rarely and only upon extreme necessity to the Decrees of the Senate, and the Ordinances of the People; and to determine in all things, as far as it should be possible, only by themselves.

The first day that they shewed themselves in their formalities, threw every body into terror and consternation. They appeared in the Forum, each with twelve Lictors before him: whereas till then only one of the Decemvirs, and before them one of the Consuls, was attended by twelve Lictors; neither did they appear in the city with axes, which were the marks of the power of life and death. A long file of officers, to the number of sixscore, were now seen walking before them, with their falces armed with axes, which denounced before-hand the violences

(a) Nemo potest personam diu ferre. Ficta citò in naturam suam recidunt. Quibus veritas subest, quæque, ut ita dicam, ex solido enascuntur, tempore ipso in majus meliusque procedunt. *Senec. de Clem. l. 1. c. 1.*

A.R. 304.
Ant. C.
††S.

violences and cruel executions (*a*) all without distinction were to expect, that should presume, either in the Senate, or the Assemblies of the People, to drop one word tending to recal the remembrance of liberty. That is to say, that they had given themselves ten Kings, or rather Tyrants.

They sustained that character wonderfully in their whole conduct. They were almost inaccessible in their persons: they scarce vouchsafed to hear the complaints of such as applied to them: they answered with an insolence and haughtiness, that confounded all who had any thing to transact with them. No kind of justice was to be had of them. They concerted in private amongst themselves the judgments they rendered in public. If any person believed himself injured by one of the Decemvirs, and appealed to another, he was sure to be treated in such a manner, as gave him cause to regret his not abiding by his former judgment. After having for some time left terror in a manner equally suspended between the citizens of all orders, they at length made the storm fall on the People, and the excess to which they carried their oppressions is incredible. The report began even to spread, that they had sworn amongst themselves to perpetuate their authority, and never to lay it down: which threw the People into despair.

(*b*) They then began to turn their eyes towards the Senate, seeing no hope of liberty but from those, by whom they formerly apprehended

(*a*) Si quis memorem libertatis vocem, aut in Senatu, aut in Populo, misisset.

& inde libertatis captare auram, unde servitutem timendo, in eum statum remp.

(*b*) Circumspectare tum Patritiorum vultus Plebei,

adduxerant. *Liv.*

hended being reduced into slavery : frivolous ^{A R. 304.}
 fear, which had precipitated the commonwealth ^{Ant. C.}
 into its present deplorable condition. The prin- ^{448.}
 cipal Senators abhorred and detested the De-
 cemvirs, but did not love the Plebeians. They
 were far from approving what was done, but
 they could not help thinking and saying, that
 the People suffered no more than they deserved.
 Hence they were not in haste to aid those who
 through a blind passion for liberty had plunged
 themselves into slavery ; and they were not sorry
 to see their chains grow every day more heavy,
 in hopes that the lively sense of their miseries
 might make them desire the re-establishment of
 Consuls, and the antient form of government.

The Decemvirs in the mean time carried their
 insolence to the highest excess. They caused
 themselves to be attended no longer by the Ple-
 beians, as they had done at first to gain the Peo-
 ple : it was the young nobility who attached
 themselves to them, and held it as an honour to
 accompany them as their guard. It is no won-
 der that they should find, amongst the vile po-
 pulace, creatures disposed to flatter tyranny, and
 ready to sacrifice the public good to their pri-
 vate interests. But it is just matter of surprize,
 and most shocking, that many of the order of
 the Patricians, so proud of their nobility and
 riches, should abandon themselves to the De-
 cemvirs, and join with them in oppressing the
 liberty of their country. They were not ashamed
 to become the Ministers of those Tyrants, who
 publickly lorded it with insupportable haughti-
 ness over the commonwealth ; who paid no re-
 gard either to the Senate or People ; and depri-
 ved the citizens of their fortunes, and disposed
 of their lives with impunity. For their licence
 rose to that pitch. Some were whipped with

A.R. 304. rods like slaves, others perished by the ax like
 Ant. C. criminals: and that cruelty might not be un-
 448. rewarded, they added the confiscation of estates
 to the murder of those who possessed them.
 (a) Libertinism, and the desire of vile gains,
 were the allurements that had corrupted part
 of the young nobility, and continued them at-
 tached to the Tyrants.

*Two tables of laws ad-
 ded to the
 former ten.* The ides of May approached, when the ma-
 gistracy of the Decemvirs was of right to ex-
 pire. They had prepared two additional tables
 of laws; amongst which there was one, that
 prohibited the Patricians to ally themselves by
 marriage with the Plebeians; undoubtedly with
 design to prevent the ties of blood and affinity
 from reinstating peace and union between the
 two orders. There now remained no pretext
 for continuing themselves in the Decemvirate.
 The ides of May therefore were expected with
 incredible anxiety and impatience.

A. R. 305. That day at length arrived. Appius and his
 Ant. C. colleagues, in contempt of all the rules and cus-
 447. toms of the commonwealth, and even contrary
The Decem- to the laws they had lately passed, confirmed
virs conti- themselves in the Dictatorship by their own au-
nue them- thority, without calling an assembly, or consult-
selves in ing either the Senate or People.
office, and
exercise all

kinds of Every thing seemed utterly desperate. No
violence. defender of the public liberty appeared, nor any
 Dionys. resource, either present or future, against so ma-
 l. 11. p. ny evils. Rome was no longer to be known,
 684--725. was no longer Rome. It was become the seat
 Liv. l. 3. of Tyranny, and the scene of the most horrible
 c. 38.--42. violences. There was no kind of bad treatment
 that

(a) Hac mercede juven- rix, sed propalam licentiam
 tus nobilis corrupta, non suam malle, quam omni-
 modò non ire obviàm inju- um libertatem. Liv.

that the Decemvirs did not exercise against all ^{A.R. 305.} without exception, that ventured to disapprove ^{Ant. C.} their conduct; banishing some under frivolous ^{447.} pretexts; putting others to death upon false accusations laid against them by their own hirelings, of which they made themselves the absolute judges; confiscating the estates of those they condemned to their own use, and to that of the young nobility, who served them as their guards; plundering in that manner the richest and best families, violating such of the wives and maids as were agreeable to their lust, and sparing those who opposed their brutality no more than slaves. They carried their madness to such an height, that they compelled most of the nobility to abandon Rome, and to fly for refuge to the neighbouring cities of the allies. Hence scarce any persons remained in the city, except such as were of intelligence with the Tyrants, or did not concern themselves in the least about the good of the commonwealth.

The deplorable condition to which Rome ^{*Wars with the Sabines and Æqui.*} was reduced, inspired an universal contempt ^{*Difficulty in levying the troops.*} for her in the neighbouring states, who thought it infamous to remain in subjection to a city, whose liberty subsisted no longer. They believed the occasion favourable for avenging their past defeats, and for making themselves amends for the losses they had sustained. With these hopes, they raised great armies, and prepared to attack Rome. The Sabines, on the one side, dispersed themselves over the frontiers of the State, and after having made a great booty, and shed abundance of blood in the country, encamped before Eretum, a small city upon the Tiber about six or seven leagues from Rome. The Æqui on the other side entered the coun-

A. R. 305. try of Tusculum, ravaged a great part of it,
 Ant. C. and posted themselves near Algidum.
 447.

This news put the Decemvirs into a great consternation, who in their dread of two wars saw themselves under the necessity of assembling the Senate. They were not ignorant of the storm they had to experience, and the reproaches that would be made them for being the sole cause of the ravages of the country, and of all the misfortunes that threatened the Commonwealth. They foresaw that advantage would be taken of the occasion for attempting to divest them of their power, if they did not oppose such attacks with vigour, and make an example of all who should presume to enter the lists against them. It was however necessary for them to resolve to assemble the Senate. When the herald made proclamation to that effect in the Forum, the multitude were entirely astonished, because that custom had been discontinued from the second year of the Decemvirate. They said to each other, that they were obliged to the enemy for seeing any trace of their antient customs and liberty in the city. As no Senator appeared on the herald's summons, the People at first thought it a sign that they did not acknowledge the authority of the Decemvirs, and resolved to act in the same manner on their side, by taking no notice of the summons, when they should think fit to make the levies. The Decemvirs sent their officers round to the houses of the Senators ; but upon being informed that they were almost all of them in the country, they deferred the assembly till the next day.

It was more numerous than had been expected, which exceedingly afflicted the People, who considered that conduct as abandoning liberty,
 and

and betraying the cause of the public. If the Senators acted with too much submission in assembling, they however spoke with abundance of resolution. After Appius had declared, that the Sabines and Æqui were in arms against the Roman People, that it was necessary to take the field against them, and that the approach of the enemy would admit of no delays; L. Valerius Potitus, without giving him time to conclude, rose up to speak out of his turn. When Appius would have prevented him, by telling him that he should be heard in his turn: *The question is not to answer you*, replied Valerius, *I have other things of greater importance, and more necessary, to propose to the Senate, concerning your intrigues, and the conspiracy which you have formed against the State. Remember, Appius, I am a Senator, and that my name is Valerius.* But rightly perceiving that no justice was to be expected either from him or most of his colleagues: *It is to you only that I address myself*, continued he, speaking to Q. Fabius Vibulanus, *you who have honoured us with three Consulships. If you have still the same zeal and the same just intentions which we have experienced heretofore, exert yourself now, and deliver us from the oppression under which we groan. The whole Senate fix their eyes upon you as on their only hope.* The disposition of Fabius was rather light and inconstant in good, than hardened and tenacious in ill. So unexpected an apostrophe confounded him. Characters of this kind, which are neither bad nor malignant in themselves, often suffer themselves to be drawn in to share in the greatest crimes by the force of bad example, for want of sufficient constancy in what is good. The colleagues of Fabius crouded about him to prevent him from replying, and a great tumult arose. But M. Ho-

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Horatius Barbatus rising up soon after, caused silence to be made. He was the grandson of that Horatius, who, after having signalized himself in the expulsion of the Kings, had been made Consul with Valerius Publicola. *We are told, said he, of wars abroad, and enemies ready to attack us. Have we then either a more formidable war than that made on us in the heart of the state and city, or more declared enemies than these ten Tarquins, who under the mask of Legislators, have subverted all our laws, and usurped a tyrannical power, in which they pretend to perpetuate themselves, even in defiance of the commonwealth. Have they forgot, that it was under the Valerii and Horatii the Kings were expelled from Rome? Do they believe the name of King to have been the sole object of their pursuit? Do we not give it to Jupiter? Do we not call Romulus our founder by that title? Do we not use it every day in our sacrifices and rites of religion? What we armed against, what we abhorred, in Kings, was their pride, their violence, and their abuse of an authority, legitimate in itself, but which they made to degenerate into tyranny. And what we could not suffer either in a King, or his son, shall we now bear in private persons without title, without power, and void of all authority, though they still presume to retain the marks of it?*

This discourse put the Decemvirs into a fury. However, as Appius did not yet see in what manner the affair would terminate, he contented himself with venting some reproaches not very excessive, and with complaining, that they departed improperly from the matter in deliberation.

Claudius, his uncle, notwithstanding persisted in speaking upon the same subject, nobody thro' respect venturing to interrupt him: but he
treated

treated it in a mild and pathetic manner, employing rather entreaties than reproach. “ He ^{A.R. 305. Ant. C.} conjured him by the manes of his brother Ap- ^{474.}pius, the Decemvir’s father, to consider rather the strict and natural tie by which he was bound to the country that gave him birth, than the unjust compact he had entered into with his colleagues. That it was more for his own sake than that of the commonwealth, he made him that request. That the commonwealth either by fair or foul means could reduce them to reason. That one could not tell, where disputes carried to extremity, like this, might end : but that the consequences it might have, made him tremble for Appius.” He concluded with saying, “ It was his opinion, that “ the Senate ought not to pass any decree.” That was declaring openly enough, that he considered the Decemvirs as private persons, who had no right to assemble the Senate. Many were of the same opinion.

Cornelius Maluginensis, brother to one of the Decemvirs, supported their interest strongly, under pretence of the good of the public. He said, “ That he was surprized to see so many “ wise and prudent persons depart from the “ point as they did on the present occasion. “ That what Valerius and Horatius pretended “ in respect to the expiration of the power of “ the Decemvirs at the ides of May, was not “ without foundation, and merited the mature examination of the Senate at their leisure : but as the enemy were almost at the “ gates of Rome, it was necessary, previously “ to all things, to levy the army, and order “ the Decemvirs to march immediately against “ them.” This opinion occasioned a great tumult :

A. R. 305. mult: but as it was supported by the young
 Ant. C. Senators, it passed by plurality of voices ;
 447. which was all the Decemvirs wanted.

Armed with this decree, they made the levy without opposition, and set out directly, some against the Sabines, and others against the Æqui. Appius was left at Rome with Sp. Oppius : for the rudest attacks were expected there, and he was well qualified to sustain them.

The Roman armies were beaten on both sides, through the behaviour of the soldiers, who chose rather to suffer the shame of being defeated, than acquire the honour of victory for leaders whom they abhorred and detested. What passed was rather concerted flights than battles. The loss was greatest in the country of the Æqui. The enemy took the camp ; and the Romans, deprived of every thing, happily found at Tusculum an open asylum, and immediate aid from faithful and generous allies.

When this news came to Rome, it occasioned great alarm, and gave some suspense to domestic divisions. Appius and his colleague took all the necessary precautions for the safety of the city, and sent new troops to the two armies, with orders to march against the enemy, to prevent them from having any thoughts of attacking Rome.

Two enormous actions, of a very different nature, but equally criminal, made way for great events, and hastened the ruin of the Decemvirs. The one happened in the camp, and the other in the city.

*Siccius is
 murdered*

*by a son of
 the Decem-
 vir.*

Liv. l. 3.

c. 43.

L. Siccius, the famous Plebeian, who had distinguished himself so much by his valour, was at that time in the army which had been sent

sent against the Sabines (1). The Decemvirs A. R. 305.
 who commanded it were informed that Siccus Ant. C.
 often talked with his companions upon the pre- 447.
 sent divisions, that he spoke very boldly against
 the Decemvirs, and said that the only remedy
 for the present misfortunes of the common-
 wealth was to reinstate the Tribunes of the Peo-
 ple. These discourses gave them offence, and
 the more, as that officer was in great credit.
 They resolved therefore to rid themselves of
 him; and for that purpose, having given him
 a commission to execute with a small detach-
 ment, they secretly ordered the soldiers of the
 party, who were devoted to their interest, to as-
 sassinate him in the first convenient place they
 should find. The order was executed. Siccus
 sold his life dear. As he was vigorous and ro-
 bust, he killed several of those who attacked
 him, but was at length overpowered by num-
 bers. That brave warrior, who had returned
 victorious from so many battles, perished at last
 by the hands of some traitors, whom the De-
 cemvirs had armed against him. At their re-
 turn, they gave out, that they had fallen into an
 ambuscade, and that Siccus, after having de-
 fended himself a great while, and killed many
 of the enemies, had been killed himself with
 some

(1) He had been sent thither against the Sabines. Instructed by Appius, they received him with outward marks of joy, and upon his advising them for good reasons to remove their camp into the enemy's country, they took that opportunity to rid themselves of him, and sent him to mark it out with the detachment of ruffians, by whom he was killed.

by Appius from Rome. Appius being informed that he talked highly against the Decemvirs, sent for him under pretence of consulting him concerning affairs of the army; and pretending to be highly pleased with his counsels, sent him in quality of Legatus, lieutenant-general, to assist the Decemvirs that commanded the army

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some of his soldiers. This news gave the whole army great grief: for he was generally esteemed and beloved. A cohort was detached by the permission of the Decemvirs, to bury the dead: but when it arrived at the place, they were amazed to find them with their arms and habits on, and that they had not been stripped of their spoils. On examining on all sides, no traces were found either of men or horses, except in the defile through which the Romans had passed; and what was still the greatest proof, there were none but Romans amongst the dead. They therefore concluded absolutely, and the thing was evident, that Siccus had not been killed by the enemy, but by his own troops.

When they had buried the rest, they took up the body of Siccus, and carried it to the camp. The grief and indignation of the army was inconceivable. After they had rendered him all the honours of war, justice was demanded against the murderers, and the troops were for having them tried and executed immediately, according to martial law. The Decemvirs had made them disappear, and under pretence that all persons should be at liberty to accuse them at Rome, they deferred passing judgment in the affair. This murder of Siccus exceedingly exasperated the soldiers, and prepared them already for a revolt.

Appius endeavours to possess himself of Virginia. Her father is reduced to kill her, to preserve her from infamy.

Liv. l. 3.
C. 44. 47.
Diod. Sic.
12. c. 86.

Another murder still more deplorable, committed in the city, gave the last blow to the Decemvirate. L. Virginus, of a Plebeian family, had a daughter about fifteen years of age: she had been promised in marriage to Icilius, who had formerly been Tribune, and was at that time the greatest beauty in Rome. She had lost her mother, and was under the tuition of governesses, who took care of her education.

Appius,

Appius, who saw her by chance, was struck A.R. 305.
with her exquisite beauty, and thought of no- Ant. C.
thing from thenceforth but the means of grati- 447.
fying his criminal desires. He employed all
the methods to tempt her, that a violent passion
could suggest; but (a) still found in the invin-
cible chastity of Virginia a resistance proof
against all his attacks and endeavours. When
he saw that her severe modesty left him no
hopes of seducing her, he had recourse to vio-
lence. He suborned one of his clients, named
M. Claudius, and perfectly instructed him how
to act. This creature of his was bold and front-
less, and one of those kind of People, who in-
troduce themselves into the confidence of the
Great only by a criminal complacency for their
pleasures. The infamous minister of the De-
cemvir's debauches, meeting Virginia as she
was going with her governess to the public
schools in the Forum, stopped her, and claim-
ing her as his slave, bade her follow him, or he
would oblige her to do so by force. Virginia,
in amazement and trembling with fear, did not
know what he meant; and her governess raised
a great cry, and implored the assistance of the
People. The names of Virginius her Father,
and Icilius her intended husband, were heard on
all sides. Relations and friends ran to join
her, and the most indifferent were moved with
the sight. This secured her against violence.
Claudius, assuming a milder tone, said, there
was no occasion for so much stir: that he had
no design to employ violence, but solely the
usual methods of justice: and immediately cited
Virginia

(a) Postquam omnia pu- crudelem superbamque vim
dore septa animadverterat, ad animum convertit. Liv.

A.R. 305. Virginia before the magistrate, whither she fol-
Ant. C. lowed him by the advice of her relations.

447.

When they came to Appius's tribunal, the claimant repeated his well known tale to the judge, with whom it had been concerted. He said, that Virginia was born in his house of one of his slaves, from whence she had been stolen by her mother and carried to Virginius's wife, who being barren, through grief to see herself without children, had pretended this girl to be her daughter, and had brought her up as such in her house. That he had incontestable proofs of the fact, against the evidence of which, Virginius himself, who had so much interest in the affair, could have nothing to object. He concluded with demanding, as the absence of Virginius prevented the matter from being finally adjudged, that it should be decreed provisionally, that the slave should follow her master.

An express law, passed by the Decemvirs themselves, decided the Case in favour of Virginia. (a) It declared, " That if a person enjoying their liberty should be claimed as a slave, such person should continue at liberty till a definitive judgment in the case." Numitorius, Virginia's uncle, alledged this equitable law in vain. In vain did he represent, that as Virginius was absent in the service of the commonwealth, it was but just the judgment should be suspended, till he could appear to defend his daughter in person.

Appius, before he passed sentence, said, " That the law which had been cited was a proof of his zeal for the defence of liberty. " That if the father were present, the maid " might

(a) Ut si quis è libertate in servitutem affereretur. Prætor vindicias secundum libertatem daret.

“ might be put into his hands without difficul- A.R. 305.
 “ ty ; and therefore that it was necessary he Ant. C.
 “ should be sent for as soon as possible. In the 447.
 “ mean time, he decreed, that she should be
 “ put into the hands of Claudius, who should
 “ give good security to produce her, when the
 “ father arrived.”

This sentence of Appius was followed by the tears and cries of Virginia, and the women that accompanied her. All who were present at this trial trembled with horror and indignation, but no body ventured to explain themselves openly. Icilius, raising great cries, advanced through the croud to defend Virginia. The Licitor, laying the judge had passed sentence, opposed and thrust him back roughly. (a) So injurious a treatment would have enraged the most moderate. Icilius, who was naturally warm and violent, did not suffer it patiently. *You must remove me from hence, Appius, said he, with the sword, if you would stifle the knowledge of your infamous design. I am to marry this maid, but to marry her chaste and a virgin. Therefore assemble, if you please, all your own Licitors, and those of your colleagues, and bid them make ready their rods and axes : but the wife of Icilius shall not stay out of her father's house. Though you and your colleagues have deprived the People of their Tribunes*

<p>(a) Placidum quoque ingenium tam atrox injuria accendisset. Ferro hinc tibi summovendus sum, Appi, inquit, ut tacitum feras, quod celari vis. Virginem ego hanc sum ducturus, nuptam pudicamque habiturus. Proinde omnes collegarum quoque lictores convoca, expediri virgas & secures jube : non manebit extra do-</p>	<p>mum patris sponsa Icili. Non, si tribunitium auxilium & provocationem Plebi Romanæ, duas arces libertatis tuendæ, ademisti, ideo in liberos quoque nostros conjugesque regnum vestræ libidini datum est. Sævite in tergum, & in cervices nostros : pudicitia saltem intacto sit.</p>
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bunes and appeals, the two supports of their liberty; do not imagine that you have an absolute power to treat our wives and children according to the dictates of your lust. Rage, tyrannize, if you will, over our persons; but let chastity and innocence at least be exempt from your violence. Icilius added several other circumstances of equal force, and concluded with protesting, that (a) as long as he had life he should retain the courage and constancy, with which a just and chaste passion for the defence of his wife's liberty ought to inspire him.

The whole multitude were in great emotion, and ready to proceed to the utmost extremities. Appius, who perceived it, and did not expect so much resistance, was obliged to give way to it. He said, "He perceived, that Icilius, still
" full of the pride and violence of the Tribune,
" sought only to excite tumult: that for the
" present he would not supply him with occa-
" sion. That in respect of Virginius's absence,
" his quality of father, and also in favour of
" the common cause of liberty, he was satisfied
" to defer judgment till next day. But that if
" Virginius did not appear, he now gave
" warning to Icilius, and all such seditious
" persons, that he should proceed in the case,
" and that his own Lictors, without his hav-
" ing recourse to those of his colleagues,
" would suffice for chastising the insolence of
" the turbulent and refractory." After having continued sitting some time, that he might not seem to have come thither solely on account of this affair, as nothing farther offered, he rose,
and

(a) Me vindicantem sponsam in libertatem, vita citius deferet, quam fides.

and returned home, much mortified with what had passed. A. R. 305.
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The first thing he did after he entered his house, was to write to his colleagues in the camp not to suffer Virginius to leave it, and even to keep him confined under a good guard. The courier was dispatched immediately: but was too late by some hours. The affair of Virginia no sooner made a noise, than Icilius's brother and Numitorius's son, two active young men, full of ardor and good-will, took horse, and riding hard had arrived in very good time at the camp. Virginius had got leave to be absent, and was set out when Appius's courier arrived. For his greater security, he took the by-road to Rome.

The news of Virginius's arrival considerably embarrassed the Decemvir, but did not extinguish his passion. The next day early in the morning Virginius repaired to the Forum with his daughter. It was impossible to behold her, without being sensibly moved. The sad and neglected air with which she appeared, her mournful and dejected looks, her eyes heavy and streaming with tears, and the rays of beauty which however broke through that cloud of sadness, made powerful impressions upon all hearts. Her father, weeping still more than her, held out his hands to the citizens, and implored their aid, representing to them in a pathetic manner his own misfortune, and the danger to which themselves were upon the point of being exposed in respect to their wives and daughters. Icilius said as much on his side.

In the mean time Appius arrived, and with an assured and menacing air ascended his tribunal. To prevent all resistance, he had caused the troops under his command to march

A. R. 305. down from the Capitol, and take possession of
 Ant. C. the Forum. The whole city were in expecta-
 447. tion of hearing the sentence about to be passed. Claudius complained of not having had justice done him the evening before, and repeated in few words the proofs, upon which he founded his claim. The father of the maid and the rest of her relations, refuted with solid and unanswerable reasons the pretended imposture of Virginia's birth. The judge, who was no longer master of himself, without hearkening farther to her defenders, pronounced Virginia the property of Claudius. Upon hearing that sentence, all that were present lifted up their hands to heaven, and raised a great outcry, that expressed their grief and indignation. Appius, transported with rage and fury, said; that he well knew, there were many factious and seditious persons in the croud, who sought only to excite tumults: that they would do well to remain quiet, otherwise the troops which he had expressly caused to come thither, well knew how to make them. He then ordered the Lictor to remove the People, and make way for Claudius to take his slave. The whole multitude were awed and withdrew, and the unhappy Virginia was upon the point of being the prey of her ravisher. Her father then, consulting only his despair, immediately formed within himself a dreadful resolution. He desired Appius to favour him so far as to suffer him to ask the nurse some questions in private before his daughter, in order to assure himself by her answers concerning the truth of the fact, and thereby console himself for the sentence that had just been passed. That favour was granted him without difficulty. The croud made way for him to pass. He took his daughter and her nurse aside, and insensibly led them
 them

them towards a butcher's shop. There snatch-^{A. R. 405,}
ing up a knife, *By this only means in my power,*^{Ant. C.}
my dear child, said he, *I defend thy honour and*^{447.}
liberty; and plunged it into her heart. Then
drawing out the bloody knife, he cried to Ap-
pius, *With this innocent blood, Appius, I devote*
thy head to the infernal Gods.

An horrid noise immediately ensued. Vir-
ginius, all covered with his daughter's blood,
and holding the knife still smoaking in his hand,
ran like a madman on all sides of the Forum,
animating the citizens to recover their liberty.
He afterwards opened himself a way with the
favour of the multitude to the gates of the city,
where he mounted an horse that waited for him,
and rode directly towards the camp. A troop
of Plebeians to the number of four hundred fol-
lowed him close.

Icilius, Virginia's intended husband, and Nu-
mitorius her uncle, continued with her body,
deploring the guilt of Appius, the fatal beauty
of Virginia, and the cruel necessity to which her
father had been reduced. The (a) women cried
out with tears: *Is this the reward of chastity? Is*
it to satiate the brutality of an infamous Decemvir,
that we bring our children into the world? ad-
ding a thousand other moving complaints, such
as grief, which is more lively and tender in their
sex, generally inspires them with on the like
occasions. The men, and especially Icilius, re-
served their whole indignation for the injuries
that affected their country, expressed themselves
only against the tyranny and oppression of the

H 2

People,

(a) *Sequentes clamitant* bris dolor, quo est maestior
matronæ, Eamne liberorum imbecillo animo, eo misera-
procreandorum conditionem? ea bilia magis querentibus sub-
pudicitiae præmia esse? cete- jicit. *Liv.*
raque, quæ in tali re muli-

A.R. 305. People, who had been deprived of the two
Ant. C. firmest supports of liberty, their Tribunes and
447. Appeals. The multitude was in the highest ferment, as well through the enormity of the crime, as the hope of recovering their liberty.

Appius, apprized of these emotions, sent his Lictors to seize Icilius, and carry him to prison. But the latter had already around him, not only a mutinous populace, but two illustrious chiefs, who came at that instant to put themselves at the head of the multitude : these were Valerius and Horatius. The Decemvir, seeing that he was not obeyed, came in person, attended by a troop of young Patricians, to animate the Lictors by his presence and that aid. The people fell upon them, broke their fasces, and made use of them against themselves. Appius, apprehending for his own life, withdrew, and summoned an assembly of the People. That was a great imprudence. Horatius and Valerius followed him thither, and seizing the other side of the Forum, they set the body of Virginia on an high place, from whence it might be seen by every body, and having drawn thither a great part of the People, they made the strongest invectives against Appius, and those that favoured the Decemvirate. This part of the citizens, whether out of respect for the illustrious persons who spoke to them, or compassion for her whose beauty had been attended with such dire misfortunes, or the hopes that were given them of reinstating the commonwealth in its former condition, became so much superior to the faction of the Decemvirs, that except a very small number that still adhered to them, all the rest abandoned them. Appius, terrified with that desertion, was obliged to leave the Forum, with his head covered in his robe, and
escape

escape to a neighbouring house. That precau-
 tion was necessary, and if he had not withdrawn
 in time, he was in danger of experiencing the
 People's revenge, and suffering the punishment
 he deserved. Valerius and his party observed
 no longer any measures, and by their warm de-
 clamations against the Decemvirate, fully de-
 termined such as till then remained irresolute.

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But nothing augmented their hatred more
 against the Decemvirs, than the pompous man-
 ner in which Virginia's relations celebrated her
 funeral. Her body was laid on high in the
 Forum upon a magnificent bed, so that every
 body might see it, and carried in a kind of
 triumph through the whole city. The Roman
 matrons and virgins came out of their houses to
 meet it; some threw flowers and wreaths upon
 the bed, some their girdles and bracelets, and
 others the ornaments of their heads. Nothing
 that could adorn her obsequies was omitted.

Such was the situation of Rome, when Virgi-
 nius arrived at the camp of Algidus. He soon
 excited a greater tumult there, than he had left
 in the city. For besides that the troop of almost
 four hundred citizens who accompanied him,
 made his arrival remarkable; the knife, which
 he held in his hand, and the blood with which
 he was covered, drew on him the eyes of the
 whole army. Whilst every body asked him
 what had happened, he continued silent for
 some time, and answered only with his tears.
 When he recovered himself a little, and silence
 had been made, he related from first to last all
 that had happened in the city. Then raising his
 hands towards heaven, and addressing himself
 to the soldiers, he implored them, "Not to im-
 "pute a crime to him of which Appius was the
 "sole author, nor to consider him as a parri-

A.R. 305. “ cide and the murderer of his daughter. He
 Ant. C. “ added that the life of Virginia would have
 447. “ been dearer to him than his own, if, in pre-
 “ serving it, she could have preserved her li-
 “ berty and honour: but that, seeing her upon
 “ the point of being dragged away as a slave,
 “ to satiate the Decemvir’s lust, he believed it
 “ better to lose his child by death, than infam-
 “ y; and that pity and tenderness for her had
 “ made him seem to become cruel. That he
 “ would not have survived his daughter, if he
 “ had not hoped, that his fellow-soldiers would
 “ assist him in avenging her death. That they
 “ also had daughters, sisters, and wives. That
 “ the lust of Appius had not expired with his
 “ daughter, but would become still more out-
 “ rageous, the longer it was suffered with im-
 “ punity. That his misfortune warned them
 “ to guard against the like injuries. That as
 “ for him, he had lost his wife; that his
 “ daughter, as she could preserve her honour
 “ only by the loss of her life, had suffered an
 “ unhappy, but an honest death. That he had
 “ no longer any thing to fear for his family
 “ from the brutality of Appius: that as to the
 “ violence he might exercise upon his person,
 “ he well knew how to deliver himself from it
 “ with the same courage as he had his daugh-
 “ ter. That it was for them to provide for
 “ the safety of their honour, lives, liberty, and
 “ those of their children.”

These complaints of Virginius were followed with the acclamations of the whole multitude. The soldiers with one voice assured him, they would avenge his grief and their own liberty. At the same time a report from Rome spread, that the affairs of the Decemvirs were entirely ruined there, and that Appius himself, after
 having

having escaped the hands of the populace with difficulty, had fled, and was retired into banishment: and this rumour, mingled with truth and falsehood, finally determined the army to revolt: *To arms* was the universal cry: the standards were pulled up, and the troops took the route of Rome. The Decemvirs, terrified with what they saw, and the accounts of what had passed in the city, ran to all sides of the camp to appease the tumult. If they spoke mildly, no regard was had to them, and the troops gave no ear to what they said: if they assumed a tone of authority, the soldiers answered, that they had their arms in their hands, and knew how to use them.

Accordingly they marched directly to Rome; passed peaceably through the city, and posted themselves upon mount Aventine. In their way they exhorted the citizens to recover their liberty, and to create Tribunes of the People: but they used no violence, nor any menaces. The Decemvir Sp. Oppius assembled the Senate. Their unanimous opinion was, that in the present conjuncture gentle measures were only to be used, as the Decemvirs themselves had given occasion for these commotions. Sp. Tarpeius, C. Iulius, and P. Sulpicius, three persons of Consular dignity, were deputed to the soldiers, to demand in the name of the Senate, by whose orders they had abandoned the camp, and what they intended, by seizing the Aventine in arms. They were not at a loss for the answer they had to make: but, as they had not yet nominated a chief, nobody ventured to take it upon himself, nor to incur the resentment and risque with which it might be attended. The whole assembly cried out confusedly, that they might

A. R. 305. send Valerius and Horatius to them, and that
 Ant. C. they would give them their answer.
 447.

When the deputies were withdrawn, Virginius represented to the soldiers, “ That they
 “ had just before been at a loss in a matter of
 “ no great difficulty, only from their being a
 “ multitude without a chief, a body without a
 “ head. That they had given a wiser answer ;
 “ but one that was rather the effect of chance
 “ than of a resolution concerted in common
 “ amongst them. That it was his opinion,
 “ they would do well to elect ten persons to
 “ command in chief, who might be called *Mi-*
 “ *litary Tribunes*, a name suitable enough to an
 “ office created by the soldiers.” As they no-
 minated him first : *Reserve*, said he, *these marks*
of esteem and affection for me till a more conve-
nient occasion. No dignity can be agreeable to me
*whilst my daughter is unrevenge*d ; *and at a time*
of trouble like that wherein the commonwealth is
at present, it is not prudent, in my opinion to confer
offices upon persons most exposed to the hatred of
adversaries. If you judge me capable of doing
you any service, I shall do it no less in continuing
a private person. Ten military Tribunes were
 accordingly created, and M. Oppius was pla-
 ced at the head of them.

The other army, which was in the field
 against the Sabines, was not long before it fol-
 lowed this example. The murder of Siccus
 had exceedingly incensed them, as we have said
 before, and as soon as they heard that their fel-
 low-soldiers had thrown off their obedience to
 the Decemvirs, they did the same with joy. They
 also chose ten Tribunes upon their march, of
 whom * Sextus Manlius was the chief ; and ha-
 ving joined the other army, they encamped to-
 gether, and charged the twenty Tribunes with
 the

* Livy
 calls him
 Manlius.

the care of the government. M. Oppius and S. Manlius, the most considerable persons amongst those Tribunes, were appointed to pre-
A.R. 305.
Ant. C.
447.
side in that council.

The Senate was in great perplexity, and assembled every day, but without coming to any resolution : the whole time passed in mutual reproaches, and nothing was concluded. The general opinion was, that Valerius and Horatius should go to mount Aventine, to negotiate with the two armies. But they refused to go, unless the Decemvirs would divest themselves of the marks of dignity as their authority had expired the year before. The Decemvirs on their side complaining that they were for reducing them to the condition of private persons, and degrading them of their office, protested that they would not quit it, that they had not put the last hand to the laws for which they were created, and that they had not caused them to be accepted.

The army, upon being informed by Duilius, who had been Tribune, that after many debates the Senate were come to no fixed resolution, removed from mount Aventine to the Sacred mountain, as to a place where their ancestors had laid the first foundations of the liberty of the People. Duilius had made them sensible, “ That the Senators would not act
 “ with any warmth, or give themselves much
 “ pain about what passed, till they saw them
 “ abandon the city. That the Sacred mountain would put the Senate in mind of
 “ the constancy of the Plebeians, and make
 “ them sensible, that without re-instating the
 “ power of the Tribunes, there was no hope
 “ of union.” For the rest, having established their camp upon the Sacred mountain, they imi-
tated

A.R. 310.
A.U.C. 442.

tated the wisdom and moderation of their forefathers, in not committing any violence. The multitude joined the army ; none, whose age would permit, dispensing with themselves from following it. Their wives and children accompanied them part of the way, asking them mournfully, to whose care they left them in a city, where neither the honour of women, nor the liberty of the public, were safe.

The Decemvirs are obliged to lay down their office.

Rome being in this manner changed into a frightful solitude, and nobody appearing in the Forum, except some few old men; the Senate began to be in real anxiety. *What do you wait for, Fathers, said several besides Horatius and Valerius ? If the Decemvirs persist in their obstinacy, will you suffer every thing to be utterly ruined and lost ? And as for you, Decemvirs, what is this same authority of which you are so tenacious ? Are you for giving your laws to, and ruling over, roofs and walls ? Are you not ashamed to see the number of your Licōtors almost exceed that of the citizens, which remain in the city ? What will you do if the enemy come to attack it ? And suppose the People, seeing us so unconcerned about their removal, should advance hither sword in hand, what would become of you ? Is it your design to put an end to your authority only with the entire ruin of the city ? Do not you perceive, that it is absolutely necessary either to renounce the People for good and all, or to grant them Tribunes ? We shall sooner acquiesce in not having Patrician, than they in wanting Plebeian magistrates. (a) They extorted that office from our fathers, new and unexperienced to them*

(a) Novam inexpertamque eam potestatem eripuerē patribus nostris, ne nunc dulcedine semel capti ferant defiderium. Cū præsertim nec nos tēpēremus imperiis, quo minus illi auxilii egoant. Liv. l. 3. c. 52.

them at that time: and can any body believe, that A.R. 305. Ant. C.
after having tasted the sweets of it for so many
years, they will consent to be deprived of it 447.
for ever; especially when we have made such an
use of authority, as makes protection and aid at
least as necessary to them as ever?

As the Decemvirs heard discourses of this kind from all sides, they were overcome by so unanimous a concurrence, and declared at last, that, as it was judged necessary, they should refer themselves entirely to the resolutions of the Senate. They only requested, that they might be secured against the hatred and animosity of the public; representing at the same time, that it was not for their interest to accustom the People, by the punishment of the Decemvirs, to shed the blood of the Senators.

When a decree was passed to this effect, Valerius and Horatius were deputed with full powers to conclude a treaty of pacification with the People. It was also recommended to them to take proper precautions for preserving the Decemvirs from the rage and violence of the People. They were received into the camp with universal joy as the Deliverers of the People, and publick thanks were given them for all the services they had done them in this affair, as well at its beginning, as now when it was upon the point of being terminated. Icilius spoke for the multitude: When they proceeded to treat of the accommodation, and the deputies desired him to propose the demands he had to make, his answer, which had been concerted before their arrival, shewed, that the People founded their pretensions solely in equity, and not upon the arms which they had in their hands. They demanded the re-establishment of Tribunes and Appeals, which had been the two firm supports

Tranquillity re-inflated.
Tribunes of the People are created.
Liv 1. 3
c. 54.

5

of

A. R. 305. of the liberty of the People before the creation
 Ant. C. of the Decemvirs; and that it should not be
 447. deemed a crime in any one whatsoever, to have
 induced the soldiers or People to retire to mount
 Aventine, in order to re-instate themselves in
 the possession of their liberty. Only the article
 concerning the Decemvirs had something ex-
 cessive in it. The People demanded, that they
 should be delivered up to them, and threatened
 to burn them alive.

*Your first demands, replied the deputies, are
 so just, that we came prepared to grant them of
 our own accord, because they tend only to secure
 your liberty, without prejudice to others. But as
 to the last, it would be injurious to yourselves to
 comply with it : it suffices to pardon you such ex-
 cessive sentiments of anger, but we cannot approve
 them. You are cruel yourselves, from the abhor-
 rence of cruelty, and are for lording it over your
 adversaries, before you have made sure of your
 own freedom. Shall our city never see an end of
 this enmity, and declared war between the Senators
 and People ? You have more occasion for the shield
 than the sword : You ought now to think only of
 well establishing your liberty. The whole assem-
 bly having referred their pretensions and inte-
 rests entirely to the deputies, they promised to
 return soon, and bring with them the ratification
 of their demands.*

When they gave an account to the Senate of
 the good success of their negotiation, the rest of
 the Decemvirs, contrary to their hopes, finding
 no mention made of punishing them, came into
 every thing. But Appius, the most cruel and
 odious of them all, judging the People's hatred
 of him from his own for the People, said, *I am
 not ignorant of what is preparing for me. I well
 perceive, that attacking us is deferred, till our ad-
 versaries*

versaries are armed for that purpose. The hatred A.R. 305.
of my enemies can be satiated only with my blood. Ant. C.
However, I also consent to divest myself of the De- 447.
cemvirate. A decree was immediately passed to
the following effect: "That the Decemvirs
" should abdicate their office immediately; that
" the Great Pontiff Q. Furius should create
" Tribunes of the people; and that no person
" whatsoever should be liable to prosecution
" upon account of the removal of the Soldiers
" and People to mount Aventine." Upon the
breaking up of the Senate, the Decemvirs re-
paired to the assembly of the People, and ab-
dicated their office; which occasioned univer-
sal joy.

That news was immediately carried to the
camp. All the citizens that had continued in
Rome followed the deputies. The other part
of the People came at the same instant to meet
them. They congratulated each other upon the
recovery of peace and liberty. The deputies,
having called the assembly, expressed themselves
to this effect: *Romans, for the welfare and hap-*
piness of the commonwealth in general, and of each
of you in particular, return to your country, your
household-gods, wives and children; but return
with the same wisdom and moderation, you have
shewn hitherto, in effect of which, so great a mul-
titude, in so universal a necessity, have not com-
mitted the least injury to a single field. Go to
mount Aventine, from whence you came. There,
in that place of happy augury, where you laid the
first foundations of your liberty, create tribunes of
the People. The Great Pontiff will be there to
preside in your assembly. Those words were
received with great joy and prodigious accla-
mations.

Without

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A.R. 305.
Ant. C.
447.

Without loss of time, they decamped and marched for Rome, congratulating all they met, and receiving their congratulations. They passed through the city with profound silence, and halted upon mount Aventine. The Great Pontiff immediately held the assembly there, and Tribunes were created. Virginius first of all, then L. Icilius, and P. Numitorius, Virginia's uncle, which three had the greatest share in the secession: after them were chosen C. Sicinius, son or grandson of the Sicinius who was created the first Tribune upon the Sacred mountain, and M. Duilius, who had distinguished himself in the office of Tribune of the People, before the creation of Decemvirs, and had always strongly opposed them afterwards. Five others less known, but in whom they could entirely confide, were added: M. Titinius, M. Pomponius, C. Apronius, P. Villius, and C. Oppius.

As soon as they entered upon office, on the motion of Icilius, the People decreed, that no person whatsoever should be molested on account of separating from the Decemvirs. Duilius at the same time passed a decree for the election of Consuls, from whom it should be lawful to appeal to the People. Consuls were immediately elected, who were Valerius and

A.R. 305.
Ant. C.

L. VALERIUS POTITUS.
M. HORATIUS BARBATUS.

446.
*The new
Consuls
pass laws
highly in
favour of
the People.*
Dionys.
l. ii. p. 725
— 727.
Liv. i. 3
c. 55.

Those two magistrates were very popular by disposition, and had inherited abundance of humanity and equity in the government of the commonwealth from their ancestors. To acquit themselves of the promise they had made the People, when they prevailed on them to lay down

down their arms, of taking a particular care of their interests, they passed several Laws highly in their favour. By the first it was ordained, that whatever the People should decree in the assembly of the Tribes (*Comitia Tributa*) should extend to all the citizens, as well as what was instituted in the assembly by Centuries (*Comitia Centuriata*.) (a) This was giving an infinite force to the Tribunitian laws : for the Tribunes of the People presided in the assemblies by Tribes. To put the privilege of Appeal out of the reach of infraction, they prohibited the creating of any magistrate, from whom it should not be lawful to appeal ; and by the same law, permission was granted to kill any person whatsoever, that should undertake to create such a magistrate, without being liable to a prosecution for murder on that account. They renewed and strengthened the law, that declared the persons of the Tribunes sacred and inviolable, and which prohibited the offering any kind of ill treatment to them upon pain of death. They also ordained, that for the future the decrees of the Senate should be deposited in the temple of Ceres, and kept by the Ediles of the People ; whereas before it was in the power of the Consuls to suppress or alter those decrees.

The Patricians did not dare to oppose any of these laws ; but they received them not without regret. (b) For whatever precautions were taken for strengthening the liberty of the People, seemed to them a diminution of their Power.

The authority of the Tribunes, and the liberty of the People, being thus established and confirmed,

(a) Qua lege Tribunitiis rogationibus telum acerrimum datum est. Liv.

(b) Quicquid enim libertati Plebis caveretur, id suis decedere opibus credebant. Liv. c. 36.

A.R. 306:
Ant. C.
446.

Appius is
cited to
take his
trial, and
put in pri-
son, where
he dies ; as
does Oppi-
us, the rest
of the De-
cemvirs
are ba-
nished.

Liv. l. 3.

A.R. 306. confirmed, the Tribunes thought it time to at-
 Ant. C. tack the Decemvirs. They resolved therefore
 446. to cite them before the People, not all together,
 lest they should mutually support each other,
 but one after another, convinced that it would
 be more easy to deal with them in their separate
 capacity. They began with Appius, who had
 made himself the most odious to the People by
 his oppressions, and his treatment of Virginia.
 The father of that unfortunate maid was his ac-
 cuser. The day for his trial being come, and
 Appius having repaired to the Forum, sur-
 rounded with a troop of young patricians, that
 sight renewed in the minds of every body the
 remembrance of those sad days, when the same
 Patricians, like so many guards, made up his
 train. Virginius then spoke to the following
 effect: *Long discourses are only necessary in mat-
 ters susceptible of doubt and uncertainty. I shall
 therefore lose no time in accusing a citizen, from
 whose cruelty you have delivered yourselves by
 arms; nor will I suffer him to add to his other
 crimes the impudence of defending himself before you
 against the enormities I could charge him with. I
 pass over, Appius, all the impious and flagrant
 actions, which you have committed for two years
 past. I confine myself solely to one point; and I ask
 you, whether it be not true, that you granted
 Claudius the provisional possession of Virginia, at a
 time when she enjoyed her liberty. You must give
 me a precise answer, and consent to be tried upon
 this fact: otherwise I shall commit you to prison.*
 The fact, upon which Appius was interroga-
 ted, was so evident, and the injustice so black,
 that he could not accept the condition proposed
 by the Tribune, without consenting to his own
 condemnation; and he saw no means of extri-
 cating himself out of that difficulty. However,

though he could neither expect the aid of the other Tribunes, nor the voices of the People in his favour, he implored the interposition of the former. When none of them offered to move, and the officer was preparing to seize him : *I appeal to the People*, said he. That word, the sole support of the liberty of the People, from a mouth, which not long before had pronounced sentence directly opposite to that liberty, was followed with silence. Every one said to him-

A. R. 336.
Ant. C.
446.

“ They at length saw that there were
“ Gods, who made human affairs their care.
“ That the punishment of cruelty and pride
“ was indeed slow, but terrible. That he who
“ had abolished appeals, was now reduced to
“ have recourse to them. That the declared
“ enemy, the subverter, of the Rights of the
“ People, now implored their protection ; and
“ that the unjust judge, who had given up a
“ free person to slavery, was now abandoned
“ himself to chains and prisons, without any
“ support from the privilege of his liberty.”

Appius notwithstanding, compelled to assume a character, which could not but cost his pride abundant mortification, appeared before the People as a suppliant, and spoke the language of one. He repeated “ the great services which
“ his ancestors had done the common-
“ wealth both in war and peace. He deplored
“ the unhappy success of his zeal for the inte-
“ rests of the People, which had made him re-
“ nounce the Consulship, and drawn the dis-
“ pleasure of the whole Senate upon him, for
“ having consented, and devoted himself, to
“ the scheme of the new laws, for the establish-
“ ment of equal right between all the citizens.
“ He invoked the laws he had lately insti-
“ tuted, in the view, and in contempt of which,

A.R. 306. “ the legislator was now to be laid in chains,
 Ant. C. “ and thrown into prison. That as for the rest,
 446. “ he should endeavour to render an account of
 “ his conduct, when an audience should be
 “ granted him for pleading his cause. That
 “ for the present he only asked permission to
 “ defend himself as a citizen, and that he might
 “ not be condemned unheard. That if that
 “ justice were refused him, he again implored
 “ the intercession of the Tribunes, and appealed
 “ to the People. That the conduct they should
 “ now observe in regard to him, would de-
 “ monstrate, whether the power of the Tri-
 “ bunes and appeals to the People were only
 “ empty names without force and reality, or
 “ whether oppressed citizens found a solid sup-
 “ port in them against the injustice of ma-
 “ gistrates.”

Virginus, on his side, affirmed, “ That
 “ Appius Claudius, of all mankind, ought to
 “ find no protection from the laws. Cast but
 “ your eyes, said he, to yon tribunal, where
 “ this perpetual Decemvir, the declared enemy
 “ of the lives, fortunes, and liberty of the ci-
 “ tizens, passing from rapine and murders to
 “ the most shameful debauches, delivered up to
 “ the infamous minister of his vices, in the pre-
 “ sence of the Roman People, a maid of free
 “ condition and ingenuous birth ; tearing her
 “ from the arms of her father like a slave taken
 “ in war, and by a cruel sentence arming the
 “ hands of that unhappy father against the life
 “ of his child. That the prison, which he had
 “ the insolence to call the mansion-house of the
 “ Plebeians, was no less intended for him than
 “ others.” He concluded with saying, “ That
 “ as often as Appius should repeat his appeal,
 “ so often should he renew the protestation he
 “ had

“ had made, of causing him to be committed A. R. 306.
 “ to prison if he did not consent to be tried Ant. C.
 “ upon the single fact he had at first proposed to 445.
 “ him.” He was accordingly carried thither.
 So bold an action was censured by nobody; it
 however made a very strong impression upon
 the minds of the People, who almost believed
 that they carried the use of their liberty too far,
 in treating so considerable a citizen as Appius
 with so much rigour. The Tribune adjourned
 the day for his trial to a farther time.

How difficult it is, in a cause, wherein the
 judges are parties, and are animated by the spi-
 rit of revenge, to keep within the bounds of
 strict justice, and not to give way in some mea-
 sure to passion. Appius was criminal: but it
 was necessary to try him in due form. In pu-
 nishing his tyranny, they treated him tyran-
 nically.

C. Claudius, Appius's uncle, who, not being
 able to suffer the crimes of the Decemvirs, and
 his nephew's enormous abuse of his authority,
 had withdrawn to Regillæ, his antient country,
 quitted his retirement, and returned to Rome,
 to assist with all his credit, in so urgent a dan-
 ger, a nephew, whose crimes it was well known
 he had utterly detested. That venerable old
 man was seen in the Forum in a mourning ha-
 bit, attended by his whole family, and a great
 number of Clients. “ He implored the People
 “ not to inflict upon the family of the Claudii
 “ the indignity of causing them to be considered
 “ by posterity as citizens that merited chains
 “ and prisons. He added, that it was a most
 “ shameful thing, to see a Person laden with
 “ irons in a dungeon amongst villains and
 “ thieves, who undoubtedly ought to be an ho-
 “ nour to his descendants from the high offices

A.R. 305. “ he had filled, and who might be regarded as
 Ant. C. “ the Legislator of Rome, and as the author of
 446. “ the Rights of the public, and of the wise in-
 “ stitutions which had lately been established in
 “ the city. He conjured the Romans to suffer
 “ their just wrath to give way to their natural
 “ humanity and compassion, and, at the hum-
 “ ble supplication of the whole family of the
 “ Claudii, to grant their grace to a single cri-
 “ minal, rather than reject the request of so
 “ many persons for the guilt of one. That as
 “ for himself, he was far from being reconciled
 “ to his nephew ; and that what he now did
 “ was solely in regard to the honour of his fa-
 “ mily. That, as they had recovered their
 “ liberty by their valour, they might now
 “ strengthen the union between the two orders
 “ by their clemency.”

Many were moved with this discourse, less in regard to Appius, than out of consideration for his uncle. But Virginus “ implored the citi-
 “ zens rather to have compassion on him and
 “ his daughter ; and added, that the prayers
 “ of a family, which had exercised a cruel ty-
 “ ranny over the People, did not deserve to be
 “ put in competition with those of three Tri-
 “ bunes, all of them allied to Virginia by the
 “ most sacred ties, and reduced to beg the aid
 “ of the same people, whom they were obliged,
 “ by their office, to assist on all occasions.”
 These tears appeared the justest : and Appius in consequence, having lost all hope, suborned death before the farther day for his trial arrived.

His colleague Oppius, who was in the city when that infamous judgment was passed, had the same fate, and died also in prison before the day for his trial. The estates of both were confiscated for the benefit of the public. The
 rest

rest of their colleagues were banished, and their fortunes also confiscated. As for M. Claudius, who had lent himself to the Decemvir's crime, he was condemned to die; but at Virginus's request, that sentence was changed into banishment. (a) Thus, says Livy, the manes of Virginia, more happy after her death than in her life, after having wandered through so many houses in pursuit of just vengeance, were at length appeased by the punishment of all the guilty.

All these executions gave the Senators no small disquiet, and alarmed them exceedingly. The Tribunes had rendered themselves almost as terrible as the Decemvirs had been before, and gave reason to apprehend for the future. Duilius, one of them, delivered the Senate from that fear, and entirely restored their tranquillity. Rightly perceiving, that it was consistent with prudence to set bounds to a power which became excessive: *We have now, said he in the full assembly, carried both the defence of our liberty, and the punishment of our enemies, far enough. For which reason, I will not suffer any person whatsoever to be cited to a trial, or committed to prison during the rest of this year. As to the past, it is not proper to revive the remembrance of old faults, which ought to be forgotten, after new ones have been expiated by the punishment of the Decemvirs: and for the future, the constant and unanimous zeal of the two Consuls for the defence of your liberty, is a sufficient security for you, that nothing will happen to require the aid and intervention of the Tribunes.*

(a) Manesque Virginiae, das poenas vagati, nullo remortuae quam vivae falicio- licto fonte tandem quieveris, per tot domos ad peten- runt.

118 L. VALERIUS, M. HORATIUS, Consuls.

A. R. 306.
Ant. C.
446.

This declaration of the Tribunes, so full of wisdom and moderation, gave the Senate some ease : but at the same time, it occasioned complaints against the Consuls. They were angry with them for declaring so openly and so entirely for the People, that a Plebeian magistrate should think it necessary to take upon him the care of the safety and liberty of the Senate preferably to a Patrician magistrate ; and that their enemies should be tired with the use of their power in avenging themselves, before the Consuls took any measure for opposing their licence. Many blamed their own negligence and facility in consenting to the laws passed by those Consuls in favour of the People : and it was obvious, that the imputations against the Decemvirs, which fell in part upon the Senators, had obliged them to comply with the times. However that were, peace and unity were re-established between the Senate and People.

The Latines and Hernici sent ambassadors to congratulate them upon the occasion ; and to instance their gratitude to Jupiter, offered a crown of gold in the Capitol, of a moderate weight, in proportion to the narrow extent of their power. In those times, people regarded piety more than magnificence in acts of religion : *colebantur religiones pié magis quam magnificé*. The same ambassadors brought advice, that the Æqui and Volsci were making great preparations for war. The Consuls were ordered to march against those enemies. The province of the Sabines fell to the lot of Horatius, and the Æqui and Volsci to Valerius. The levies were made with great facility ; and even many soldiers, who had served the legal time, entered themselves as volunteers for these wars.

Before

Before the troops marched out of the city, ^{A.R. 306.}
the new laws, known under the name of the ^{Ant. C.}
Twelve Tables, engraved upon plates of brass, ^{446.} *The XII*
were proposed and exhibited to the public. *I tables pro-*
deferred repeating the magnificent praises of *mulgated.*
them, which we find in Cicero, for this place,
to avoid interrupting the thread of our history
by the digression. Only some fragments of the
XII tables are come down to us. Some of them
contained the laws concerning Sacred Things,
others the Rights of the public; but the greatest
part of them related to private Right. We
shall see in the sequel, that Horace had reason
for calling them the table that prohibited sin:
Tabulas peccare vetantes. We may judge of the ^{Ep. 1.1.2.}
exceeding value people set upon this work, from
the magnificent praises given it by Cicero, in the
first book of the Orator, wherein he is not afraid
to prefer it, upon account of the profound wis-
dom with which it abounds, to all that the phi-
losophers had wrote upon the same subject.
The passage seemed to me too important not
to be repeated almost at length in this place.
“(a) Would you know, says Cicero by the
I 4 “ mouth

<p>(a) Sive quis civilem sci- entiam contempletur,—— totam hanc descriptis omni- bus civitatis utilitatibus ac partibus XII Tabulis conti- neri videbitis. Sive quem ista præpotens & gloriosa phi- losophia delectat (dicam au- daciùs) hosce habet fontes omnium disputationum sua- rum, qui jure civili & legibus continentur. Ex his enim & dignitatem maximè expe- tendam videmus, cum verus, justus, atque honestus labor honoribus, præmiis, atque</p>	<p>splendore decoratur; vitia autem hominum atque frau- des damnis, ignominis, vin- culis, verberibus, exiliis, mor- te multantur: & docemur non infinite concertationumque plenis disputationibus, sed au- ctoritate nutuque legum, do- mitas habere libidines, coer- cere omnes cupiditates, nostra tueri, ab alienis mentes, ocu- los, manus, abstinere. Fre- mant omnes licet, dicam quod sentio; bibliothecas meher- cule omnium philosophorum mihi videtur XII Tabularum libellus</p>
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A.R. 306. " mouth of Crassus, the principles of civil so-
 Ant. C. " ciety you will find them comprized in the XII
 446. " Tables, wherein is exactly laid down all that
 " relates to the polity of states, and can con-
 " tribute to public utility. Or are you fond
 " of philosophy; that glorious science, which
 " looks down on all things in comparison with
 " itself, I venture to say, has no other princi-
 " ples in all the questions it treats, than what
 " are to be found in our civil Rights and Laws.
 " For, properly speaking, it is the knowledge
 " of civil right, which teaches us that honesty
 " and virtue are to be preferred to all things,
 " by shewing us, on the one side, true and so-
 " lid merit, honoured with rewards, dignities,
 " and glory; and on the other, guilt and in-
 " justice, punished with penalties, ignominy,
 " prisons, stripes, banishment, and death. And
 " it does not give us all these lessons in loose
 " and dry disputations, thick-sown with subtle
 " ties; but it instructs us in a tone of authority
 " to subdue our passions, to set bounds to all
 " our appetites, to content ourselves with our
 " own, and to withhold our hands, eyes, and
 " desires, from the possessions of others. Though
 " all the world should declare against me, I
 " will speak my sentiments: The little volume
 " of the XII Tables, in my opinion, exceeds
 " the libraries of all the philosophers, both in
 " the weight of its authority, and the abundant
 " utility to be extracted from it." This judg-
 ment of Cicero, so highly in favour of the laws
 of the XII Tables, is not to be wondered at, if
 we reflect, that they were the abridgment, ex-
 tract,

libellus, si quis legum fontes bertate superare. *Lib. i. de*
 & capita viderit, & auctori- *erat. n. 193—195.*
 jatis pondere & utilitatis u-

tract, and in a manner the flower of whatever was most excellent in the laws of Greece.

A.R. 306.

Ant. C.

446.

It was in this body of laws, that the security of the citizens in particular, and of the state in general, consisted at Rome. (a) To contemn them, says Cicero, is not only to set aside the force and obligation of judgments, but to subvert the interests and ties of civil society. For without them, it would be impossible to ascertain any man's right, or what is his own, and what another's; and there could be no common and uniform rule between all for the observance and security of all. (b) These laws, says the same Cicero again elsewhere, are the support of the dignity and prerogatives we enjoy in the commonwealth, the foundation of liberty, and the source of equity and justice. They are the life, the soul, that animate, guide the councils, form the decisions, and regulate the judgments, of the state. As our bodies can neither subsist, nor make any use of their nerves, blood, and members, without souls; so a city can neither support itself, nor make any use of its members, the citizens, without laws. In free states, the law is the principle, to which every thing is reduced,

(a) Qui jus civile contemnendum putat, is vincula resolvit non modo judiciorum, sed etiam utilitatis, vitæque communia.— Etenim hoc sublato, nihil est quare exploratum cuiquam possit esse, quid suum, aut alienum sit: nihil est quod æquabile inter omnes atque unum omnibus esse possit. *Cic. pro Cæcin.* n. 72.

(b) Hoc vinculum est hujus dignitatis quâ fruimur in republica, hoc fundamentum

libertatis, hic fons æquitatis. Mens, & animus, & consilium, & sententia civitatis, posita est in legibus. Ut corpora nostra sine mente, sic civitas sine lege, suis partibus, ut nervis ac sanguine & membris, uti non potest. Legum magistri, magistratus: legum interpretes, judices: legum denique idcirco omnes servi sumus, ut liberi esse possimus. *Cic. pro Cluent.* n. 146.

A.R. 306. duced, and on which every thing depends. The
 Ant. C. magistrates are its ministers; the judges its in-
 446. terpreters; and the whole people its vassals, in
 order to their being free and independant, by
 having no other master but the Law, or Right.

It must be owned, that these ideas are great, noble, and magnificent: and they only appear so, because they are founded in nature itself, or in truth. Cicero (*a*) considered human laws, instituted for the government of states and the administration of justice, as emanations of that Supreme Law, which enjoins good and prohibits evil; that, in his sense, is no other than God himself, whose will, all-wise and omniscient, is the primitive rule of all our duties. Accordingly he observes, that the magistrate (by which word he understands all who govern) ought to employ his authority solely in prescribing such things as are good, virtuous, useful, and conformable to the laws. For in the same manner as the People are subservient to the magistrates, magistrates are subservient to the laws; and it may be truly said, that the magistrate is a speaking law, and the law a mute magistrate.

THE

(*a*) Lex nihil aliud est nisi recta, & à numine deorum tracta ratio, imperans honesta, prohibens contraria, *Cic. orat. 2 in Anton. n. 28.*

Lex vera atque princeps, apta ad jubendum & vetandum, ratio est summi Jovis. *De leg. 2. n. 10.*

Illa divina mens summa lex est. *Ib. n. 11.*

Hominum vita jussis su-

premæ legis obtemperat. *De leg. 1. n. 3.*

Videtis magistratûs hanc esse vim, ut præsit, præscribatque recta, utilia, & conjuncta cum legibus. Ut enim magistratibus leges, ita populo præsunt magistratus: verèque dici potest, magistrarum legem esse loquentem, legem autem magistratum mutum. *De leg. 3. n. 2.*

THE ROMAN HISTORY.

BOOK THE FIFTH.

THIS fifth book includes the space of forty-five years, from the 306th to the 351st year of Rome. It ends with the beginning of the siege of Veii.

SECT. I.

War with the Volsci and Æqui, and against the Sabines. The two Consuls triumph, notwithstanding the opposition of the Senate. Duilius prevents the same Tribunes from being continued in office. Domestic troubles. The Æqui and Volsci advance to the gates of Rome. Fine speech of Quintius. The enemies are defeated, The Roman people dishonour themselves by a judgment which they pass against the Ardeates.

L. VALERIUS.

M. HORATIUS,

THE domestic troubles, occasioned by the bad conduct of the Decemvirs, being appeased by their abdication and punishment, affairs without doors became the serious attention of the public.

A.R. 306.

Ant. C.

446.

War with the Æqui and Volsci, and against the Sabines.

Dionys.

l. 11. p. 727

—729.

Valerius, Liv. l. 3.

c. 60—63.

A.R. 506.
Ant. C.
446.

Valerius, one of the Consuls, set out with his army against the Æqui and Volsci, who had united their forces. As he knew that those people had conceived great contempt for the Roman troops, in consequence of the advantages they had gained over them, whilst under the command of the Decemvirs, far from undeceiving them, he industriously fomented their presumption, and endeavoured to augment their temerity, by affected evasions and reserve, as if he apprehended coming to blows with them. For this reason, he pitched his camp upon an eminence of very difficult access, surrounded it with a deep fossé, and took great care to fortify it well. The enemy often advanced to bid him defiance, insulting and reproaching him with cowardice. He however lay still, and kept close within his intrenchments. Some time after, having received advice, that the enemy had detached the best part of their troops to ravage the country of the Latines and Hernici, and that few remained to guard their camp, he marched out of his, and offered them battle. As nobody appeared, he continued the rest of the day under arms without moving. Night obliged him to retire, when he refreshed and rested his troops. The enemy recalled those in haste that were dispersed to plunder, who posted back, not all together, nor in good order, but in separate parties, and in the condition they were found, when they received news of the motion of the Romans. Early the next day, the Consul made his troops advance towards the enemy's camp, with the resolution to attack it if they did not come to battle. After having waited a sufficient time, as nobody appeared he gave the signal for the attack. The Æqui and Volsci, ashamed that intrenchments,

and

and not arms and courage, should defend victo- A.R. 306.
 rious armies, then quitted their camp in order Ant. C.
 to engage. Before all their troops were marched 446.

out, and had time to form themselves, Valerius attacked them with his infantry, and put them into disorder. At first they fell back : but upon being reproached by their generals for giving ground before beaten enemies, they resumed courage, and renewed the fight. The Consul, on his side, animated his soldiers.

“ He bade them remember, that this was the
 “ first day on which, become free, they had
 “ fought for their free country, no longer un-
 “ der an Appius, but Valerius, who had esta-
 “ blished its liberty. That they should now
 “ demonstrate, it was not owing to the soldiers,
 “ but the generals, that they had not been vic-
 “ torious in the former battles.” Then advancing

to the horse : *Brave Romans*, said he, *you are now to support the dignity of your rank, and your honour. The foot have made the enemy give way : do you compleat their disorder, and drive them out of the field of battle.* The ardour of the troops was incredible. The enemy could not sustain so rude a charge, and broke. Abundance of them were killed in the battle and pursuit : and Valerius remained master of their camp with great spoils.

The news of this victory was soon carried to the other army that acted against the Sabines, and excited a great emulation there. Horatius, by skirmishing and slight engagements, in which his troops had always the advantage, had accustomed them to confide rather in their present valour, than to remember their past defeats under the Decemvirs. The Sabines, encouraged by the successes of the year before, incessantly harraressed them, and reproached them with amu-

A.R. 306. sing themselves with petty encounters, whilst
 Ant. C. they were afraid to come to a decisive battle.
 446.

These reproaches had more effect than they who made them would have desired. The Romans, enraged on one side by repeated insults, and animated on the other by the example of their fellow-soldiers, who were upon the point of returning victorious to Rome, pressed the Consul to lead them against the enemy. After having well assured himself of their disposition to engage, he ordered them to prepare for battle the next day. The Romans experienced from the Sabines in the action all that the vigour and courage of an enemy is capable when supported by great successes. Both soldiers and officers, and especially their general, did prodigies of valour. The Roman horse however behaved so well on this occasion, and seconded the Consul so effectually, that he obtained a compleat victory over the enemy. Great numbers of them were killed in the battle, and more taken prisoners. The Consul made himself master also of their camp, which they were reduced to abandon with their baggage, and all the spoils and prisoners they had taken from the Romans in the last War.

For both these victories separately gained over different enemies, the Senate, out of ill-will to the Consuls, decreed only one day of supplication and thanksgiving to the Gods. But the People, more equitable and religious, acquitted themselves of the same duty the following day ; and this second solemnity, performed without the decree of the Senate, was more splendidly celebrated, and by a greater concourse of the People, than that of the day before. Narrowness of spirit and puerility is here evident in that Body, in other things so wise and venerable.

venerable. Because they are dissatisfied with the Consuls, who seemed too much attached to the People in their eyes, they retrench a part of the homage, which it was usual to render the Gods upon the like occasions. But they carried the same disgust still farther.

The two Consuls concerted together to arrive near Rome almost at the same time, that is to say, within one day of one another. They summoned the Senate to assemble in the field of Mars, in order to render an account there of the success of the campaign. The principal Senators complained, that they were assembled in the midst of the soldiers with design to intimidate them. The Consuls, to leave them no room for such complaints, adjourned the assembly to a place called *the Flaminian meadows*. There, they reported what each of them had done at the head of their armies, and demanded that the Senate would be pleased to grant them the honour of triumphing. They found every body entirely averse to them. Amongst those who opposed so just a demand, none did it more warmly than C. Claudius, the uncle of Appius the Decemvir. The motive of his opposition was notoriously evident. His violence proceeded from the treatment of his nephew Appius, which he ascribed particularly to the two Consuls. His opinion was however followed by the majority, and they were refused triumphs. Provoked by that refusal, and the affront so unjustly offered them, they addressed themselves to the People, who unanimously voted them that honour. This was the first time that any one triumphed by an ordinance of the People without the consent of the Senate. We see that Body from time to time continually losing some one or other of its privileges; and may observe, that it is almost

A.R. 306. most always some injustice of its own that occasions it.
 Ant. C. 446.

Duilius This victory of the People and their Tribunes had almost occasioned new matter of trouble, by the combination the latter had entered into to cause themselves to be continued in their office. It happened fortunately to fall to Duilius's lot to preside at that election. He was a man of sense, who did not suffer himself to be hurried away with the stream, and directed his conduct by the view of the public good. Convinced that such continuation in office would render them extremely odious, and only tend to discredit the conduct of the People, he openly declared, that he would not suffer any of his colleagues to be re-elected. It was in vain for them to press him to leave the Tribes at liberty to vote as they thought fit; or, if he found any difficulty in that, to resign his place to another: he persisted to the last in his resolution. To confirm himself the more in it, and succeed the better in his design, he desired the Consuls to favour him with their presence at his tribunal, and asked them what views they had with respect to the assembly for the election of Consuls. As they answered, that they were determined to create new ones, he carried them with him to the assembly of the People, in order to strengthen himself by their suffrages, which, from magistrates so attached to the People as they were, could neither be suspected nor disagreeable. He there asked them what they would do in case the People, out of gratitude to them for the re-establishment of their liberty, and their great successes in the war, should re-elect them Consuls. They made the same answer, and protested, that however sensible they might be of the great honour intended them, they would not accept

prevents the re-election of the same Tribunes.
 Liv. l. 3. c. 64.

cept it. The People, admiring their perseverance and constancy in shewing themselves to the last the reverse of the Decemvirs, proceeded to the election, and chose first five new Tribunes. But Duilius, seeing the party his nine colleagues had made so strong, that none of their competitors for the Tribuneship were likely to have a sufficient number of voices, dismissed the assembly, and would not hold it afterwards for filling up the vacant places. He affirmed, and not without foundation, that he had satisfied the law, which no where mentioned, that it was necessary at once, and on the same day, to create all the ten Tribunes; and which on the contrary said in express terms, *that such persons as the first nominated shall adopt for their colleagues, shall enjoy the same privileges, and be deemed Tribunes as legally elected as themselves.* The nine old ones had nothing to reply, and were obliged to acquiesce. Duilius quitted his office, equally in favour of the Senate and People. There are actions, and a certain conduct, so full of reason and equity in themselves, that nobody can refuse them their esteem and approbation; and if every body in office behaved in that manner, there would never be either troubles or complaints in states.

The new Tribunes, in the choice of those they were to nominate to fill up their number, had great regard to the desire and recommendation of the Senators. They even chose two Patricians, who had been Consuls, * Sp. Tarpeius and A. Haterius.

* The
300th
year of
Rome.

A.R. 307. LAR. HERMINIUS.

Ant. C. T. VIRGINIUS.

445.
Liv 1. 3.
c. 65. Nothing considerable happened under these Consuls either within or without doors, and every thing remained in sufficient tranquillity: only L. Trebonius, one of the Tribunes, to obviate the inconvenience that happened the year before, passed a law which ordained, that, in the election of Tribunes, the People for the future should nominate the whole ten themselves.

A.R. 308. M. GEGANIUS MACERINUS.

Ant. C. C. JULIUS.

441.
Domestic troubles. The Consuls having perceived some secret measures taken by the tribunes against the Patrician Youth, which might soon blow up the flame of sedition, if not remedied in time, found means to keep the People within the bounds of their duty, by the resolution, which they seemed to have taken, of levying an army for a war with the Æqui and Volsci, but of which they suspended the execution. Thus, without clashing with the power of the Tribunes, or exposing the majesty of the Senate to new insults, they established tranquillity at home and abroad, at least during the greatest part of the year.

But in the latter months, the antipathy and division of the two Orders began to appear. The young Patricians, always haughty and enterprizing, oppressed such of the Plebeians as were weakest and most exposed to injury, whilst the latter found neither the aid nor support they had reason to expect from their Tribunes; because the Tribunes themselves, through their too great easiness and patience, were not exempt from the injurious treatment and violence of the Patrician youth. The People were dissatisfied on

on that account with their Tribunes, and openly declared, that for the maintenance and security of their persons and rights, they had occasion for such magistrates as the Icilii. (a) The elder Senators on their side, were sensible, that their youth were too turbulent, and carried things too far: But, as there was a kind of necessity for one of the parties to exceed the bounds of moderation, and it was impossible to keep the balance of government in an exact equilibrio, they thought it better that it should incline on their side, and that their youth should carry their pride and haughtiness too far, rather than their adversaries: so difficult is it, when the defence of liberty is in question, to observe a just medium, and not to depart from the strict rules of justice! Each side, under pretext of preserving its equality, took pains to depress the other; and in order to have nothing to apprehend or suffer from it, rendered itself terrible and oppressive: as if it was indispensibly necessary that there should be violence on one side, and that the one could not be secure from injury, without imposing it upon the other.

If we reflect on the disposition of mind so well described in this place by Livy, we shall find it the real source of all the troubles that embroiled the commonwealth. And in this respect, the Senate seems least excusable: because,

K 2

29

<p>(a) Seniores contra patrum, ut nimis feroces suos credere juvenes esse, ita malle, si modus excedendus esset, suis, quam adversariis, superesse animos. Adeo moderatio tuendæ libertatis, dum æquari velle simulando ita se quisque</p>	<p>extollit ut deprimat alium, in difficili est; cavendoque ne metuant homines; metuentes ultrò se efficiunt, & injuriam à nobis repulsam, tanquam aut facere aut pati necesse sit, injungimus aliis, Liv.</p>
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A.R. 301.
Ant. C.
444.

132 Q. CAPITOLINUS, A. FURIUS, Consuls.

A.R. 308. as (a) Sallust observes, when there is a dispute
Ant. C; between two parties, of which the one is weaker
444. than the other, there seems to be reason for
presuming, that the strongest is the aggressor.
And indeed, without designing to excuse the
People, we see the Senate on all occasions intent
upon humbling and depressing them, as if the
Plebeians had not been a part of the state as
well as the Senators, and were incapable and
unworthy of having any share in the govern-
ment.

A.R. 309. T. QUINTIUS CAPITOLINUS, IV. Ant. C. AGRIPPA FURIUS. 443.

These Consuls found no sedition at home, nor
war abroad actually on foot: but Rome was
menaced both with the one and the other. The
discord of the citizens could be prevented no
longer, the Tribunes and People being ex-
tremely exasperated against the Senate, and the
assemblies resounding every day with nothing
but accusations against some Senator or other.

The Æqui and Volsci advance to the gates of Rome. On the first rumour of these domestic feuds,
Liv. l. 3. the Æqui and Volsci, as if they had been the
c.66—70. signal of war to them, took arms. Their lea-
ders, prompted by the desire of spoils, repre-
sented to them, “ that every thing was in con-
fusion at Rome; that neither order nor disci-
pline were observed there; that the levies
could not be made; that the People were
solely employed in opposing the Senate in
every thing; and that the ardour and viva-
city the Romans formerly had against ene-
mies without doors, they now turned against
“ them-

(a) In omni certamine, plus potest, facere videtur.
qui opulentior est, etiam si Sallust. in bell. Jugurth.
accipit injuriam, tamen, quia

“ themselves, tearing each other like angry
 “ wolves. That the present was an happy oc-
 “ casion for surprizing and subjecting them.”

A.R. 309.

Ant. C.

443.

Having joined their forces, they first ravaged the country of the Latines ; and as nobody appeared to oppose them, animated by the authors of the war, who exulted with joy, they advanced to the walls of Rome on the side next the gate *Esquilina*, destroying the whole country in the sight of the Romans by way of insult.

When they were marched back to Corbio, *Quintius's* laden with booty without resistance, and in good order, the Consul Quintius called an assembly *sine harangue.* of the People, and spoke to them as follows :

Romans, though I am not conscious to myself of any crime, it is with extreme shame that I now appear in your assembly. Do you know, and shall posterity be told, that the Æqui and Volsci, scarce capable not long since of making head against the Hernici, came in arms with impunity to the walls of Rome in the fourth Consulship of T. Quintius ! Had I foreseen, that this year was to be distinguished by such ignominy, I should have avoided the Consulship, either by voluntary banishment or even death. Alas ! I had enjoyed sufficient honours : I had lived long enough : I should have died in my third Consulship. For upon whom falls the contempt our enemies have expressed for us upon this occasion ? Is it upon your Consuls, or upon yourselves, Romans ? If it is to be ascribed to us, take the Consulship from persons so unworthy of it ; and if that does not suffice, punish us as we deserve. But, if the fault be yours, may the Gods and men forgive you ; we only desire that you should repent of it. No, Romans : they neither despised your want of courage, nor relied upon their own valour. They knew themselves and you too well. Our divisions which are the bane of this city, supply them

A.R. 309.
Ant. C.
443.

their whole force and confidence. Whilst we can set no bounds to the desire of rule, nor you to the excessive love of liberty; whilst neither Patricians or Plebeians, can endure each other: they have taken courage, and resumed their former daring. In the name of the Gods, Romans, what would you have, what do you aim at? You have formed demands upon demands, projects upon projects, against us; and we have complied with them all. By a late undertaking, under pretext of establishing a kind of equality in the state by new laws, you have infringed all our rights and privileges. We have suffered it, and we still suffer it. When will our discords end? When shall we consider ourselves as citizens of the same city, and as sons of the same country? Can you see without pain our lands destroyed with fire and sword, the spoils carried off with impunity, and the houses smoking and in flames? Though you are unconcerned about the public interest, you will each of you soon have an account of your particular losses in your lands and farms. Have you wherewithal here to re-imburse yourselves? Will your Tribunes repay you what you have lost? They will give you words and harangues as many as you please; accusations in abundance against the principal persons of the city, laws upon laws, and assemblies without number. But did any one of you ever leave those assemblies richer and better in his affairs than he came to them? What do you carry from them to your wives and children, except resentment, hatred and enmity public and private? against the fatal effects of which it is neither your own virtue or innocence, but the aid, the arms, of strangers, that secure you. It was not so when you fought under us in the open field, nor in the Forum under your Tribunes; when you made the enemy tremble with your warlike cries in battles, and not the Senators

by your seditious noise in the assemblies. After having taken considerable spoils from the enemy, and made yourselves masters of their country, you then returned in triumph to your homes and household-gods, laden with spoils and glory, as well for yourselves as the publick: whereas now you suffer the enemy to go hence enriched with your effects. Do you stay till the Æqui and Volsci come to rouse you from your lethargy within these walls, and pursue you to your own houses? Will it then be time enough to rouse and take arms?

I am sensible that more agreeable things might be said to you: but, though I should not follow my natural inclination, necessity would now oblige me to speak truth rather than to flatter you. I should be very glad, Romans, to please you; but I had much rather preserve you, in whatsoever manner you may be disposed in respect to me.

If then you can at length undeceive yourselves, and open your eyes to the manner in which your Tribunes lead you, and abuse your credulity; if you will resume the sentiments of your fathers, and return to your ancient principles, I take upon me, on the forfeit of my life, to defeat and put to flight these insolent ravagers of our lands, to take from them their camp, and to transfer from our walls and gates into their cities this terror of war, which now gives you such great and just alarms.

Seldom or ever was the most popular harangue of a Tribune received more favourably than this discourse of the Consul, however awful and severe he was. The youth themselves, whose refusal, in contests of this kind, was a powerful resource against the endeavours of the Senate, breathed nothing but arms and war. The sight of the country-people, who took refuge in the city, and of those who had been driven out of their lands, and were covered with

A.R. 309. wounds, still more moving than any description.
 Ant. C. the Consul would give of them, filled all the ci-
 443. tizens with compassion, and at the same time,
 with a warm desire of revenge.

(a) When Quintius quitted this assembly, and entered the Senate, all eyes were fixed upon him with admiration, as the sole assertor of the majesty of the Roman name. The principal Senators said, “ That his speech was truly worthy
 “ of the Consular dignity, worthy of the Con-
 “ sulships with which he had been honoured,
 “ and of his whole life illustrious by the most
 “ glorious offices of the state, that he had often
 “ born, and oftner deserved. That other Con-
 “ suls had either sought abjectly to make their
 “ court to the People, by betraying the honour
 “ of their order; or had rendered them still
 “ more obdurate and untractable by supporting
 “ the rights of the Senate with too much rigour
 “ and haughtiness. That Quintius had admi-
 “ rably adapted his discourse to the present
 “ conjuncture, that is to say, had expressed
 “ himself in a manner equally proper to sup-
 “ port the majesty of the Senate, and cement
 “ the good understanding between the two or-
 “ ders. That they all desired himself and his
 “ colleague to provide for the safety of the state.
 “ That at the same time they requested the Tri-
 “ bunes to act in concert with the Consuls for
 “ removing

<p>(a) In Senatum ubi ventum est, ibi verò in Quintium omnes versi, ut unum vindicem majestatis Romanæ intueri; & primores patrum dignam dicere concionem imperio consulari, dignam tot Consulatus antea actis, dignam vita omni plena honorum sæpe gestorum, sæpius</p>	<p>meritorum. Alios Consules, aut per prodicionem dignitatis patrum Plebi adulatos, aut acerbè tuendo jura ordinis asperiores domando multitudinem fecisse: T. Quintium orationem majestatis patrum, concordieque ordinum, & temporum imprimis habuisse. Liv.</p>
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“ removing the enemy from the walls and gates A.R. 309.
 “ of the city, and to render the people docile Ant. C.
 “ and submissive to the desires of the Senate. 443.
 “ That their common country, in so pressing a
 “ danger, when the enemy, after having ra-
 “ vaged the lands about Rome, kept the city
 “ in a manner besieged, addressed itself with
 “ confidence to the Tribunes, and implored
 “ their aid.”

The levies were decreed by the Consuls, and made, not only without opposition; but with incredible promptitude. The Quæstors brought the ensigns out of the treasury, and caused them to be carried to the field of Mars. The troops marched away at ten in the morning the same day, and advanced ten miles from Rome. The next day they came in view of the enemy near Corbio, and encamped. The third day it was resolved to give battle without loss of time. On the side of the Romans, their just rage, inflamed by the boldness of the enemy in coming to insult them under the Walls of Rome, and a warm desire of revenge, would admit no delay. As for the Æqui and Volsci, who saw there was no quarter to be expected for them from an enemy against whom they had so often revolted, despair itself exalted their courage, and made it necessary for them to fight valiantly.

(a) As both the Consuls were with the army, their power was equal. Agrippa, who knew that nothing is more contrary to the success of affairs than a divided command, and was sensible

(a) In exercitu Romano cum duo Consules essent potestate pari; quod saluberrimum in administratione magnarum rerum est, summa imperii, concedente Agrippa, penes collegam erat. Et prælatu ille facilitati summittentis se comiter respondebat, communicando consilia laudesque, & æquando imparem sibi. Liv.

A.R. 309. sible of Quintius's superior abilities in military
 Ant. C. affairs, resigned the whole authority to him.
 443. The latter, on his side, repaid as he ought the
 generosity and deference of his colleague in that
 submission to him, by communicating to him all
 his counsels, doing every thing in concert with
 him, giving him a share in the glory of all the
 successes, and in making him his equal in all
 things without exception. A fine dispute of ge-
 nerosity this; and an excellent example for ge-
 nerals of armies, but rarely imitated!

Quintius commanded the right wing, Agrip-
 pa the left, and the lieutenant Sp. Postumius
 Albus the centre. Serv. Sulpicius, another ge-
 neral, commanded the cavalry. The foot of
 the right wing fought with extraordinary bra-
 very, and found a vigorous resistance on the side
 of the Volsci. Sulpicius with the horse broke
 through the enemy's main body; and might
 have returned the same way, before the enemy
 had time to rally and form themselves: but he
 thought it better to attack them in the rear,
 which he did directly, and would have put
 them into disorder by pushing them on that
 side, whilst they were engaged with the Roman
 infantry in front, if the cavalry of the Æqui
 and Volsci had not come up, and charged him-
 self vigorously. Sulpicius then cried out to his
 troops, " That they had no time to lose: that
 " they were upon the point of being surrounded,
 " and of having their communication cut off
 " with their own army, if they did not make
 " an extraordinary effort against the enemy's
 " horse. That only to put them to flight did
 " not suffice; that it was absolutely necessary to
 " cut both horses and men to pieces, in order
 " to prevent their coming to blows, and re-
 " newing the battle a second time. That after
 " having

“ having broke through the main body with- A.R. 309.
 “ out any resistance, they would find little more Ant. C.
 “ from the horse.” He did not speak to them 443.
 in vain. The whole Roman cavalry charged
 the enemy’s at the same instant; and put them
 to flight. Great part of them were killed with
 their horses by the spears of the Romans; who
 then attacked the foot again, and dispatched an
 aid du camp to the Consuls with advice of what
 had passed. The Romans on the wings had
 already some advantage. The news of the ca-
 valry’s victory animated them extremely, and
 on the contrary occasioned as great consterna-
 tion amongst the Æqui, who already began to
 give way. The centre of the enemy’s army,
 which had been put into disorder at first by the
 Roman horse, was the first that broke. Quin-
 tius afterwards broke the left wing, and put it
 to flight. The right made more resistance, and
 cost more trouble. Agrippa, who was brave
 and full of fire, seeing that things went better
 every where than on his side, snatched an ensign
 out of the hands of the officer who carried it,
 and threw it amongst the enemy where the bat-
 tle was warmest. The soldiers, through fear of
 losing that ensign, which was deemed the great-
 est of disgraces, threw themselves with fury up-
 on the enemy, and put them to flight. The
 victory thus became universal. Quintius then
 sent to inform his colleague, that he was upon
 the point of attacking the enemy’s camp; but
 deferred it till he knew whether he had put an
 end to the battle on his side: That if so, he
 would do well to join him with his troops, in
 order that the whole army might have an equal
 share in the spoils. Agrippa immediately ad-
 vanced to his colleague; and after having con-
 gratulated

A.R. 309. gratulated each other upon their mutual success,
 A.D. C. they attacked the camp, where they found little
 443. resistance.

The Consuls marched back their troops to Rome, laden with the spoils they had taken from the enemy, without including those they had recovered, which were all that had been lost when their country was ravaged. It does not appear, says Livy, either that the Consuls demanded, or the Senate talked of granting them, a triumph; and no reason is given, either for their neglecting that honour, or despairing to obtain it. For my part, continues the same historian, as far as one may form conjectures concerning times so remote, I imagine, that as the Senate some years before had refused the honour of triumph to the Consuls Valerius and Horatius, who, besides the Æqui and Volsci, had conquered the Sabines, a very powerful people, the Consuls of this year, who had defeated but half those enemies, made a scruple of demanding a triumph, lest, if they obtained it, it might seem to be granted rather to persons than to merit.

However that were, the Consuls were not the less esteemed and honoured by the public; and I believe my readers will unanimously concur in granting them the honour of a triumph, especially on account of the uncommon example each of them gave of a moderation and generosity, in my opinion, infinitely preferable to the victory itself, which was the effect of it: for a misunderstanding between the two Consuls might have prevented it. We but too commonly see the most important and best concerted projects rendered abortive by the jealousy and ill-will of a companion in command.

The

The Romans dishonoured their victory over the Æqui and Volsci by a self-interested judgment which they passed some time after. The Arcini and Ardeates had long disputed the right to a small territory, for which they had fought many battles. Tired at length of war, they agreed to submit to the arbitration of the Roman People, and accordingly referred the difference to their decision. The cause was pleaded with great force on both sides: witnessses were also produced, and the People were upon the point of proceeding to vote, when a Roman Plebeian of fourscore and three years of age, named Scaptius, rose up abruptly, and declared to the assembly, “ That the territory in question belonged neither to the Aricini nor the Ardeates, but to the Roman People, as a dependance of Corioli. That his evidence could not be suspected, because he had been at the taking of that city, and had served twenty years when the Romans made themselves masters of it. That he had not long to live; but that he could not help claiming possession of a territory by his feeble voice, to the acquisition of which his armed hands had contributed. That he firmly advised the People not to pass judgment against themselves through a vicious and mistaken shame notwithstanding the justice of their cause.”

The Consuls, seeing that the assembly listened to Scaptius not only with silence, but a kind of approbation, called gods and men to witness, that they did not give their consent to the notorious injustice, which was upon the point of being committed; and accompanied with the principal Senators, they remonstrated to all the Tribes separately, “ That the Roman
“ People

A.R. 309.
Ant. C.
443.
The Roman People dishonour themselves by a judgment, which they pass between the Ardeates and Aricini.
Liv. l. 3.
c. 71, 72.
Dionys.
l. 11. p.
729.

A.R. 309. " People would dishonour themselves eternal-
 Ant. C. " ly, if, in a dispute which they were chosen
 443. " to arbitrate, they adjudged a territory to
 " themselves, to which they had never formed
 " any pretension, in prejudice of the parties
 " concerned: That though the lands in que-
 " stion were not of so small value as they re-
 " ally were in respect to the Roman People,
 " and the revenues of them might be supposed
 " to be very considerable, they would not gain
 " so much by appropriating them to them-
 " selves, as they would lose by alienating the
 " allies by so gross and manifest an injustice;
 " (a) because losses in point of reputation and
 " public faith are greater than can be valued
 " or conceived." *And, said they, shall the
 deputies of the two states carry home this news?
 Shall the allies, and enemies, of Rome be told it?
 What grief will it give the first, what joy the lat-
 ter! Can one imagine, that the neighbouring peo-
 ple will attribute so unexampled a judgment to a
 man like Scaptius, without either name or credit,
 and in a word equally void of sense and shame?
 And is not the infamy it will reflect upon the Ro-
 man People most evident, who freely and in cool
 blood disgrace themselves for ever? For what else
 can be the consequence of such a proceeding? The
 Consuls and Senators, truly concerned for the
 honour of the People, remonstrated to this ef-
 fect in the strongest manner to the Tribunes and
 multitude, mingling the most affecting entrea-
 ties with representations so full of wisdom.*

Both the one and the other were ineffectual,
 The Tribunes were no longer masters of the
 popu-

(a) Nam famæ quidem & fidei damna majora esse, quam
 quæ æstimari possent. Liv.

populace (*a*): for it was common for the Tribunes to be more governed by the multitude, than the multitude by them. It appears, that the suffrages were repeated three several times. Perhaps that was in effect of the remonstrances of the Tribunes. The Tribes however obstinately persisted in their opinion, and adjudged the territory in question to the Roman People. It is agreed, that it was their right, and ought to have been adjudged so, if the affair had been referred to the decision of others, and the Romans had claimed it as parties. But their right to it did not diminish the infamy of this sentence. It gave the Senate more concern, and appeared more iniquitous to them, than to the Aricini and Ardeates themselves. We shall see in the sequel that they made amends for this fault in the only manner in their power.

(*a*) Tribuni ferè semper reguntur à multitudine magis quam regunt. *Liv.*

S E C T. II.

The Tribunes propose two laws, which occasion great tumults: the one for permitting the Patrician and Plebeian families to intermarry; the other for giving the Plebeians a share in the Consulship. Those marriages are permitted; and it is agreed that military Tribunes with Consular authority, instead of Consuls, shall be elected, and Plebeians admitted into that office. Institution of Censors. Functions of those magistrates. Effects and advantages of the Censorship. The Senate send immediate aid to the Ardeates, attacked by the Volsci: they afterwards make them entire amends for the injury done them by the sentence of the People. Great famine at Rome. It gives Sp. Mælius room to entertain thoughts of making himself King: He is killed by Servilius Ahala, master of the horse to the Dictator L. Quintius Cincinnatus.

A.R. 310.
AEC. C.
442.

M. GENUCIUS.
C. CURTIUS.

*The Tri-
bunes pro-
pose two
Laws*

*which oc-
casion great
tumults.*

*Liv. l. 4.
c. 1—6.
Dionys.
l. ii. p. 730
—736.*

Violent tumults took place at Rome from the beginning of this year, occasioned by two new important Laws proposed by the Tribunes of the People. By the first, Canuleius its author demanded, that the Patricians and Plebeians should be permitted to intermarry, which was expressly prohibited by the laws of the twelve Tables: by the second, the Tribunes proposed that the Consuls should be elected indifferently out of the Senate and People, whereas till then only Patricians had been admitted to exercise that office.

It is easy to judge how much these two demands alarmed the Senators. For which reason they received with joy the news, that the Ardeates in resentment of the judgment given against them, had quitted the party of the Romans; that the Veientes had ravaged lands in the dependance of Rome: and that the Volsci and Æqui were making preparations for resuming their arms, because a place called Verrugo had been fortified, which seemed intended to awe them; so much did they prefer an unfortunate war to a shameful peace. Upon these advices, which were much exaggerated, the Senate decreed, that the levies should be made, and far greater preparations of war, if possible, than the year before in the Consulship of Quintius. The view of the Senate, in these rumours of war, was to put a stop to the enterprizes of the Tribunes: but they did not succeed in it. Canuleius declared in full Senate, that it was in vain for the Consuls to endeavour to impose upon the People by their usual terror of enemies ready to enter the country of Rome; and that he would sooner lose his life, than suffer any troops to be levied, before the two Laws in question were accepted. Thus a new open war was declared between the two Orders of the State: a war of great violence, and carried on on both sides with all possible animosity. And indeed the subject of it was of the most affecting and important nature.

The Consuls said, “ That the frantic violence of the Tribunes rose so high, as to be no longer supportable. That the enemies without doors were nothing in comparison with those Rome had in her bosom. That for the rest, the evil was not so much to be imputed to the People and their Tribunes,

A.R. 310
Ant. C.
444.

After great disputes the Law for marriages between the Patricians and Plebeians is accepted.

146 M. GENUCIUS, C. CURTIUS, Consuls.

A.R. 310. " as to the Senate and Consuls. That what
Ant. C. " was considered and rewarded in a City, al-
442. " ways gained ground and increased exceeding-
" ly : that citizens capable of serving their
" country in peace and war, were formed in
" that manner. That great rewards were grant-
" ed at Rome to sedition, which always turned
" mightily to the advantage of those that ex-
" cited it. That they might remember the
" state of grandeur and majesty in which they
" found the Senate when they first entered it,
" and see whether it could justly be said, that
" they would transmit its power augmented
" down to their children, as the People might
" with reason boast of having infinitely aug-
" mented theirs. That the same evils would
" always take place, whilst sedition continu-
" ally terminated with success, and the authors
" of it were laden with honours and rewards.
" That the Tribunes, by the two Laws they
" proposed, struck at the most antient institu-
" tions, and the most sacred and venerable
" customs, of the Commonwealth. That by
" the Law which regarded marriages, they in-
" troduced an impure mixture of blood, and
" a confusion of auspices, as well public as
" private (a) ; so that a child, who should be
" born in such marriages, half Patrician and
" half Plebeian, in a kind of war with himself
" in effect of being so compounded, would
" neither know his condition, of what rank he
" was, from what family he descended, nor
" the sacrifices proper and personal to his state.
" That not content to confound all rights hu-
" man and divine in this manner, these dis-
" turbors

(a) Ut, qui natus sit, ignoret cujus sanguinis, quorum sacrorum sit ; dimidius patrum sit, dimidius plebis, ne secum quidem ipse concors. *Liv.*

“ turbers of the public tranquillity rose in their A R. 310.
 “ pretensions so high as the Consulship. That Ant. C.
 “ at first they had talked of electing only one 442.
 “ of the Consuls out of the People : that now
 “ they demanded that both should be indiffe-
 “ rently chosen out of the Senators and Ple-
 “ beians ; in which case the People would not
 “ fail to nominate the most seditious of their
 “ own Order : that in consequence they should
 “ have Canuleius, Icilius, and the like, for
 “ Consuls. That they hoped the most high Ju-
 “ piter would never suffer the majesty of the
 “ Consulship to be so grossly degraded : and
 “ that as to them, they had rather die a thou-
 “ sand deaths than concur to so infamous a dis-
 “ grace.

*Is there any thing, said they, more irrational
 and enormous than the conduct of the Tribunes ?
 They begin by exciting a war against us with the
 neighbours, in sowing of discord at home ; and
 then prohibit arming the citizens for their defence.
 They in a manner call in the enemy, and oppose le-
 vying the troops to repulse them. And dares Ca-
 nuleius declare to us in open Senate, that if we do
 not receive his Laws, as from some victor, he will
 prevent the levies ? To talk in such terms, what
 is it but to threaten, that he will betray his coun-
 try, and deliver it up to the enemy ? And indeed
 what remains for him to do, except to put himself
 at the head of the Æqui & Volsci, and to attack
 the citadel and Capitol ? Let this author of dis-
 cord know, that the Consuls are determined to de-
 fend themselves rather against the guilt of their
 own citizens, than the arms of the enemy.*

In this manner people talked in the Senate ;
 and the reader must believe, that the Tribunes
 were not silent on their side. Canuleius ex-
 plained himself in the assembly as follows :

A.R. 310.
Ant. C.
442.

Romans, I have already often observed, how much the Senators despise you, and how unworthy they think you of living within the walls of the same city with them : but I never perceived it more manifest than this day, in the violence and fury with which they rise up against our Laws. And notwithstanding, what do we pretend to by these Laws, unless to make them sensible that we are their fellow citizens, and that if we have not the same fortunes as they, we however are inhabitants of the same country ? By one of these Laws we demand the liberty of marriage between the two Orders. Now Marriage is often granted to neighbours, and even strangers. Rome does more, in conferring the freedom of the city upon conquered enemies, a thing undoubtedly far more considerable than marriage. By the other Law we propose nothing new : we only claim, what has in all times been the right of the Roman People, that is, to confer honours upon whomsoever they think worthy of them. What is there then in all this, that deserves so much noise and uproar from the Senators ; that they are almost ready to fall upon me with violence in their house ; that they threaten not to spare our persons, and to violate the power of the Tribunes, all sacred as it is.

How ! If the Roman People be left at liberty to confer the Consulship by their suffrages on whom they think fit ; if the Plebeians are not deprived of the hope of attaining the first office in the state, in case they are judged worthy of it, will it not be possible for this state to subsist ? will its dominion be at an end ? And to demand that a Plebeian may be elected Consul, is it the same thing as to desire to give that office to a slave or a freedman ? Do you perceive, Romans, in what contempt you are ? They would deprive you of part of this light of heaven, if they could. It is with pain they
suffer.

suffer you to breathe the same air with them, that you have the use of speech, and the form of men. A.R. 310.
Ant. C.
442.

If we believe them, it were a crime, an enormous crime, to elect a Plebeian Consul. Though we are not admitted to inspect the Fasti, and the Annals of the Pontiffs, do we not know, what every stranger knows, that the Consuls succeeded the Kings in their office, and that they had no power nor pre-eminence, but what the latter had before them? And do you believe, Patricians, we never heard that Numa Pompilius was sent for from his farm in the country by order of the People and Senate, to ascend the throne, and that he was neither a Patrician, nor a Roman citizen? That L. Tarquinius afterwards, who not only was neither of Roman, nor even of Italian, extraction, the son of Demaratus of Corinth, and of Tarquinii, where his father had settled, was made King in the lifetime of Ancus's children? That after him Servius Tullius, the son of a slave, attained the sovereignty by his excellent qualities and extraordinary merit? Why should I mention T. Tatius the Sabine, whom Romulus, the founder of our city, thought fit to associate with himself in the government? We see then that as long as regard has been had at Rome to merit of whatsoever extraction, its dominions have been enlarged, and its power augmented.

Do you blush now to have a Plebeian Consul, after our ancestors have not refused to have strangers for their Kings, and have esteemed and rewarded merit in them, since the extinction of the Sovereignty? For since then we have received the family of the Claudii amongst us, and not only conferred the freedom of the City upon them, but admitted them into the order of Patricians. A stranger may become a Patrician, and afterwards Consul: and shall a Roman citizen be excluded the Consulship, solely because he is born a Plebeian?

A.R. 310. Do we believe then, that it is impossible for the
 Ant. C. People to produce a man of merit and courage,
 442. qualified for the employments of peace and war,
 and one resembling Numa, Tarquin, and Servius,
 in his attributes? And if one of this character
 should happen to arise, shall we never suffer the
 helm of state to be put into his hands? and shall
 we chuse to have men for Consuls, like the Decem-
 virs, the most wicked of mortals, and all of them
 Patricians, rather than persons that resemble the
 best of our Kings, whose births were not illustrious?

But, perhaps, somebody will object, that no Ple-
 beian has been Consul since the expulsion of the
 Kings. And what is to be inferred from thence?
 Are we never to think of any new institution?
 How many have been made since the commonwealth
 subsisted? Who can imagine, in a city which is to
 endure for ever, and to augment to infinity, but
 that new offices, priesthoods, customs, and laws,
 will be frequently instituted?

The law itself which prohibits the intermarriage
 of the Patricians with the Plebeians, were they
 not the Decemvirs who passed it some few years
 since, to the great prejudice of the public, and the
 disgrace of the People? is there any thing in effect
 more injurious or more contemptuous, than to de-
 clare one part of the city unworthy of allying itself
 with the other in marriage, as if it were polluted
 and profane? Is it not in some measure to be ex-
 cluded, and to suffer a kind of banishment even
 within the walls of the city, to be incapable of con-
 tracting either alliance or affinity in it?

If you are convinced, that to mingle your blood
 with that of the Plebeians, would be a stain to your
 nobility, why do you not take wise but secret mea-
 sures to preserve its pretended purity, by neither
 chusing wives yourselves amongst us, nor permitting
 your daughters and sisters to marry with any but
 Patricians?

Patricians ? No Plebeian will offer violence to a A.R., 310.
Patrician virgin : that would be invading the pe- Ant. C.
culiar privilege of the Patricians. Nobody will 442.
ever force you to contract such alliances. But to
forbid them by a law, and prohibit marriages be-
tween the Senators and People, this is what we
hold injurious to us. You might pass the same in-
derdiction in respect to the rich and poor. Why
don't you also forbid the Plebeians to live in the
neighbourhood of the Patricians, to walk in the
same streets, to eat at the same table, or to be pre-
sent in the Forum, and in the same assemblies with
them ?

But, to be brief, do you believe yourselves lords
and masters, and that you have a supreme autho-
rity here ? When the Kings were expelled, was it
to give you absolute dominion, or to procure the
common and equal liberty of all ? Are the People
to be suffered to pass a law, if they think it useful
and necessary ? or, as soon as they propose it, have
you a right, in order to punish them, to decree le-
vies ? and as soon as I the Tribune begin to call up-
on the Tribes to give their suffrages, shall you the
Consul immediately oblige the youth to take the mi-
litary oath, and march them to the camp, mena-
cing both Tribune and People ? I declare, Consuls,
that the People shall be ready to take arms against
the enemy, of whom you tell us, whether real or
supposed, if, in the first place, you consent, that
the Patricians and Plebeians shall for the future
make but one and the same People by the ties of
marriage and mutual affinity ; and in the second
place, if the entrance to honours be open to all per-
sons of merit and valour ; in order that the annual
magistracy, vesting thus indifferently in the two
orders of the state, may shew, that they are
equally called upon to command and obey, in which
true liberty consists. But if these two laws are

A.R. 310.
Ant. C.
442.

opposed, talk as long as you will of wars, multiply the forces of the enemy, exaggerate the danger as if already at our door, not a man shall enter for the service, not a man shall take arms, nor fight for haughty masters, who disdain to associate themselves with us in public by honours, and in private by marriages.

It is easy to judge, that this discourse did not convince the Patricians. The same resistance subsisted on their side, and the same warmth on that of the multitude. They had at their head a Tribune of great vigour and constancy, incapable of suffering himself either to be intimidated or disconcerted by threats, and resolved to pursue his point to the utmost. They were no less obstinately determined than him not to give way ; for in this dispute, the warmest and most affecting interests they had ever contested, were in question.

The Senate, in so delicate a conjuncture, judging condescension necessary, gave their consent to the law concerning marriages, in hopes that the Tribunes, contented with carrying that point, would either renounce their demand of Plebeian Consuls, or at least postpone it till after the war ; and in the mean time that they would agree to the levies.

At this time
Tribunes
are created
in the name
of Consuls

They were mistaken. The other Tribunes, seeing that the victory which their colleague Canuleius had lately gained over the Patricians, did him great honour, and gave him infinite credit with the People, piqued themselves on their side upon acquiring equal glory, resolved to carry the second law also by dint of application, and swore upon their faith, which was the greatest oath they had amongst them, not to desert from their resolution, even though some of their body should suffer themselves to be swayed by

by the Senate in the affair. The report of the A.R. 310.
 war increased every day, and their resistance to Ant. C.
 the levies in proportion. As the opposition of 442.
 the Tribunes prevented any thing from being
 concluded in the Senate, the Consuls held par-
 ticular assemblies in their houses, to which the
 principal Senators were invited. Things were
 now come to such extremities, as made it evi-
 dent, that they must either yield the victory to
 the enemy, or the People. Valerius and Ho-
 ratius were the two only persons of Consular
 dignity, who were not present at these assem-
 blies ; their two declared zeal for the People
 having rendered them suspected, if not odious.
 Claudius's advice armed the hands of the Con-
 suls against the Tribunes. The Senators of
 greater age and wisdom, not being able to bear
 the mention of blood and slaughter, nor to con-
 sent to laying violent hands on the Tribunes,
 whose persons were declared sacred by the agree-
 ment made with the People, inclined to gentler
 methods. The advice of the latter was follow-
 ed, and after a long deliberation, wherein vari-
 ous expedients were proposed for extricating af-
 fairs out of their present dangerous situation,
 they fell upon one at last, to the satisfaction of
 both parties : this was, instead of consuls, to
 create three military Tribunes with the same au-
 thority, to be chosen indifferently out of the pa-
 tricians and People.

An assembly for that election was accordingly
 called ; and never had the Plebeians been so ar-
 dent before in making interest. Those who had
 distinguished themselves most either in speak-
 ing or acting, ran on all sides of the Forum,
 drest in the whitest robes, to solicit voices. On Candidati.
 seeing them so active and eager, the Patricians,
 who were sensible how much the People were
 discontented

A.R. 310. discontented and enraged, at first despaired of
 Ant. C. being able to attain any of the three offices they
 442. were going to confer. And in case they could
 have carried any one of them, it had been an
 infinite mortification to them, to reflect upon
 their being associated with such persons as the
 People were going to chuse, the declared ene-
 mies of the Senate and of the public good.
 Discouraged by all these considerations, they
 were determined not to stand for that office ;
 but the elder Senators obliged them to offer
 themselves, that they might not seem to aban-
 don their country entirely, and renounce their
 part in the government.

The result of this assembly shewed, that
 there is a great difference between a People in
 the heat and fury of disputes affecting their li-
 berty and glory, and when they act in cool
 blood, and without passion, after those disputes
 are over. The People, contented that regard
 had been had to their demand, created none
 but Patricians Military Tribunes. “ Where
 “ shall we now find, cries Livy, such modera-
 “ tion, equity, and greatness of soul, in a pri-
 “ vate person, as were then the character of the
 “ whole People : *Hanc modestiam, æquitatem,*
Et altitudinem animi, ubi nunc in uno inveneris,
quæ tunc populi universi fuit ?

The * three hundred and tenth year from the
 foundation of Rome, Military Tribunes were
 elected for the first time in the room of Con-
 suls ;

* Dodswell believes, that form here to his manner of
 the Military Tribunes entered reckoning, though it appears
 upon office at the end of the to depart a little from that of
 year 310, but that they did Livy, who does not distinguish
 not act, properly speaking, till the year in which the magi-
 311. strates entered upon office, from
 tively in his chronology, I con- that wherein they exercised it.

G. MACER. CAPITOL. Q. Consuls. 155
 fuls ; and A. Sempronius Atratinus, L. Atili- A.R. 310.
 us, and T. Cloelius, were chosen. Ant. C.
 442.

A. SEMPRONIUS, A.R. 311.
 L. ATILIUS. Ant. C.
 T. CLOELIUS*. 441.

These Military Tribunes abdicated their office * *Livy says*
 three months after they had entered upon it, T. Cæci-
 because some essential formality had been omit- lius.
 ted in their election. They were succeeded by Liv. l. 4.
 Consuls ; which the Tribunes of the People did c. 7.
 not oppose, because they judged the election of Dionys.
 Consuls less dishonourable to them, than the l. 11.
 chusing Military Tribunes again out of the Pa- p. 736.
 trician order, which would certainly have hap-
 pened.

L. PAPIRIUS MUGILANUS.

L. SEMPRONIUS ATRATINUS.

Nothing considerable passed during their
 Consulship.

M. GEGANIUS MACERINUS, II A.R. 312.
 T. QUINTIUS CAPITOLINUS, IV. Ant. C.
 440.

Under these Consuls a new office was institu-
 ted, which afterwards became very considerable. *Institution*

As the spirit of conquest was the prevailing *of two*
 character of the Roman People, King Servius, Censors.
 to have an assured resource both of men and
 revenues, had ordained, that a muster of all
 the Roman citizens should be made every fifth
 year, with an exact estimate of every individu-
 al's estate. By this muster and valuation, the
 Prince, or magistrate, knew almost instantane-
 ously what number of inhabitants capable of
 bearing arms Rome had, and the amount of
 their contribution.

The

A. R. 312.
 Ant. C.
 440.
 Dionys.
 l. 11.
 p. 737.
 Liv. l. 4.
 c. 8.

The Consuls of the preceding years having been continually employed either in war against the neighbouring people, or in opposing the enterprizes of the Tribunes, this account of persons and estates had been omitted. As this custom had been interrupted for seventeen years, from the Consulship of L. Cornelius and Q. Fabius, only such as had before been mustered were known, and they were the only persons that served in the armies, whilst many of free condition (*libertini*) who had not been registered, changed their abode according to their fancy, and lived in a state of independance.

To obviate this inconvenience for the future, it was judged proper to discharge the Consuls of that care, which obliged them to descend to a detail ill-suited the Consular dignity. The institution of a new magistracy for discharging this function, of small consideration till then, was conceived necessary. As contemptible as it appeared, the Senate did not refuse to accept it, whether they were well satisfied to increase the number of Patrician officers, or foresaw that this would acquire great extent, and become very important. The Tribunes, on their side, considering this charge as more necessary than honourable, conceived no thoughts of contesting it with the Senate, nor of demanding, that the Plebeians should be admitted into it, in order to avoid appearing to oppose the Patricians improperly in every thing, even to the most minute. Papirius and Sempronius were the two first persons elected into this office. Those magistrates were called *Censors*, because they presided at the *Census*, the muster of the People, and the valuation of their fortunes.

Here ends what has come down to us of the history of Dionysius Halicarnassensis. We cannot

not regret too much the books that are wanting, A.R. 312.
 which continued the Roman affairs down to the Ant. C.
 beginning of the first punic war. 440.

What the Senate had foreseen in respect to the Censorship, actually came to pass in process of time. (a) This office, so small in its beginning, became one of the most considerable in the state. The curule chair, purple robe, and almost all the splendor of the Consulship, excepting Lictors, were the least advantages of the Censorship. The muster of the citizens, which was at first its sole employment, was soon followed by more honourable and important functions. The support of Manners and Discipline was confided to them, and in consequence the right of punishing the Senators, Knights, and common citizens, by a shameful degradation. They were charged with all that related to the maintenance and repairs of the public buildings sacred and profane, the highways, aqueducts, and other things of the like nature. And lastly, they had the administration of the revenues of the commonwealth. They granted the leases to the farmers of the taxes, called Publicans, and adjudged all disputes that arose upon that head. As all the functions of the Censorship are part of the Roman history, and they will often be mentioned, I thought it necessary to give the reader some idea of them in this place.

Summary

(a) Hic annus censuræ initium fuit, rei à parva origine ortæ ; quæ deinde tanto incremento aucta est, ut morum disciplinæque Romanæ penes eam regimen, Senatus equitumque centuriæ, decoris de-

decorisque discrimen sub ditione ejus magistratus, publicorum privatorumque locorum, vectigalia populi Romani, sub nutu atque arbitrio essent. Liv. l. 4. c. 8.

A.R. 312.

Ant. C.

440.

Summary description of the functions of the Censorship.

The *Census*, or muster of the people, and valuation of their estates, which terminated with a ceremony called *Lustrum*, for reasons which shall be related in their place, was the principal function of the Censors. The *Census* had been established by Servius Tullius the sixth King of Rome. That Prince took the *Census* four times during his reign : but nothing is known of any of them besides the first. Tarquin the Proud, the enemy of all good, and of Servius's memory, neglected this useful institution. After the expulsion of the Kings, the Consuls were charged with this care, till the establishment of Censors. There had been ten *Census*, or *Lustra*, before the first taken by the Censors, which was the eleventh. I shall give an abridged table of them in this place, which will shew the condition and forces of the Roman People to the time of which we are now speaking.

	<i>Lustra.</i>	<i>Number of the citizens.</i>	<i>Years of Rome.</i>
Liv. l. 44. Dionys.	Ist Lustrum by Servius Tullius	80000 or 84970	
l. 5. p. 225. Dionys.	IId Lustrum.		
l. 5. p. 293. Id. p. 538.	IIId Lustrum.		
Id. l. 6. p. 416.	IVth Lustrum.	130000	246
Id. l. 9. p. 594.	Vth Lustrum.	150000	256
Liv. l. 3. c. 3.	VIth Lustrum.	110000	261
Liv. l. 3. c. 24. Dionys.	VIIth Lustrum.	103000	280
l. 11. p. 737.	VIIIth Lustrum.	134214	289
	IXth Lustrum.	132049	295
	Xth Lustrum.		312
	XIth Lustrum.		

We

We have related the first institution of the A.R. 310. Censors. Those magistrates, as we have said Ant. C. before, were chosen out of the Patricians, and 440. the most illustrious of that Order. For they Liv. 1. 6. did not obtain the Censorship till after they had been Consuls. They retained the sole possession of that office, till the 416th year of Rome, when the Dictator Publius Philo passed a Law by which it was ordained that one of the two Censors should be elected out of the People. And in the year of Rome 621, they were both Epitome chosen out of the Plebeians. From thence- 59. forth, they were nominated indifferently out of both Orders.

The duration of this office, at its first institution, was five years, at the end of which the *Census* was taken. Before ten years were elapsed, A.R. 321. the Dictator Mamercus Æmilius reduced it to Liv. 1. 4. eighteen months. Thus, regularly, Rome was c. 24. without Censors three years and an half : for the Lustrum was not performed till the end of the fifth year. But this order was often interrupted, either by wars abroad, or domestic divisions and other particular reasons. Sometimes five years expired without any Censors being created. On other occasions Censors were created more than once during the space of a Lustrum, if those who had been first chosen had not been able to compleat the *Census*.

Rome was superstitious to excess. As the Liv. 1. 5. city had been taken by the Gauls in the year c. 31. & that M. Cornelius had been substituted in the l. 9. c. 34. room of one of the Censors who had died in that office, it was ordained that in the like case no successor should be appointed in the room of one defunct, and that his colleague should divest himself of his charge.

The

A.R. 312. The *Census* was taken in the (1) Forum. All
 Ant. C. the citizens capable of bearing arms, that is to
 440. say, of seventeen years of age and upwards,
 Dionys. caused their names, ages, incomes, places of
 l.4. p.221. abode, with the names and ages of their fa-
 thers and mothers, wives, children, freedmen,
 and slaves, to be inserted in the public registers.
 They took an oath not to depart from truth in
 declaring their fortunes ; and no body was ever
 known to have perjured himself on this occa-
 sion. Heavy penalties were laid upon such as
 omitted to register themselves, as confiscation
 of their estates, and loss of liberty ; which was
 long practised in the Commonwealth. Those
 who were absent gave in their names and estates
 by proxy.

The Censors had power to fix the value of
 the estates of individuals, and in consequence
 to impose a greater or less tax upon them, be-
 cause it was by the estimates taken by the Cen-
 sors that the payment of taxes was regulated.

In the early times every one register'd him-
 self in his Class and Century : and afterwards
 in his Tribe, when the thirty-five Tribes were
 formed.

When Rome had extended her conquests,
 and founded many colonies, or given the free-
 dom of the City to many of her neighbours,
 the functions of the Censors had more extent.
 Officers, who were also called Censors in those
 colonies and municipal cities, gave the Censors
 of Rome an account of the condition of those
 cities, of the number of their inhabitants, and
 of

(1) It was taken anciently for the reception and enter-
 in the Forum ; but afterwards tainment of ambassadors in the
 in the Villa publica, the house Campus Martius.

of their riches; and their reports were regi-
ster'd in the books of the Censors.

A.R. 312.
Ant. C.

At Rome the *Census* began by the Senators
and Patricians, went on to the Knights, and
concluded with the People.

440.

One of the two Censors, to whom that
function fell by lot, prepared the list of the
Senators, and read it publicly with a loud
voice. It was a great honour to be named the
first; and to be placed at the head of all the
rest: the person distinguished in this man-
ner was called *Princeps Senatûs*, *Principal Se-
nator*. He presided in the assemblies of the
Senate. This dignity was not for life, and pro-
bably was conferred every new Censorship. It
might either be continued, or granted at diffe-
rent times. Scipio Africanus the elder was no-
minated Prince of the Senate three times; and
the Great Pontiff M. Æmilius Lepidus six. It
was the usual custom to nominate the senior
Censor living *Prince of the Senate*. The Cen-
sor P. Sempronius Tuditanus was the first that
changed this custom, in nominating Q. Fabius
Maximus, notwithstanding his colleague's oppo-
sition; who was for conferring that honour
upon T. Manlius Torquatus, because he had
been Censor before Fabius. And the laudable
custom afterwards took place, of having more
regard to merit, than seniority, in this choice.

Liv. l. 27.

c. 11.

A.R. 443.

Ant. C.
209.

The Censor, after having declared *the Prince
of the Senate* in this manner, named the rest of
the Senators in their order.

They then proceeded to the Muster of the
Knights, of whom the first named was called
Princeps Equitum: but that distinction was little
regarded. All the Knights passed in review
before the Censors, leading their horses by the
bridle, and dressed in the robe called *Trabea*.

A.R. 312.
Ant. C.
440.

And lastly the names of the People were called over, each in his Class, or Tribe.

It was in this ceremony that the Censors publickly inflicted punishments upon such of the citizens as had given any considerable cause of complaint in respect to their manners and conduct.

As to the Senators, it sufficed to omit their names in reading over the List: from whenceforth they were deemed fallen from the dignity of Senator.

The Knights were punished by having the horse, with which they were supplied by the public, and which was the mark of the Equestrian dignity, and the ring, that afterwards became so, taken from them.

The Plebeians were removed from a more honourable Tribe into another less considerable, as either from one of the Rustic Tribes into another of the same kind, but inferior; or into one of the four Tribes of the city which were in great contempt: and this is what was called *Tribu moveri*. This was the first and most gentle degree of punishment. The second was to be deprived of the right of suffrage: *in Cæritum tabulas referri*. The inhabitants of Cære, for having given refuge to the Priests and sacred things, when the Gauls were upon the point of entering Rome, had been rewarded with the freedom of the city, but without the privilege of voting. By this second degree of punishment, the Roman citizens were reduced to the condition of the Cærites. The third and last deprived them, not only of the right of suffrage, but of carrying arms and serving in the field, and left them no mark of a citizen, except the necessity of paying their share of the taxes: which was called *ærarium fieri*.

Strab. l. 5.
p. 220.
Aul. Gell.
l. 16. c. 13.

The

The Senators and Knights were sometimes A.R. 312.
condemned to suffer these three kinds of punish- Ant. C.
ment. 440.

As prejudice might take place in the Censors judgments, the (a) Laws had wisely provided different remedies against the abuse of an excessive authority, the unjust rigours of which sometimes required to be checked. The degraded citizens might be reinstated by his colleague, or the succeeding Censors, either by justifying themselves before the Senate or People.

History supplies us with a multitude of these kinds of punishments legally inflicted, of which I shall repeat some of the most remarkable in this place.

The Censors Scipio Nasica and M. Popilius, Aul. Gell. in reviewing the Knights, perceived an horse l. 4. c. 20. poor and in a bad condition, whose master was fat, and of a surprizingly florid complexion. *How comes it to pass,* said they to him, *that there is so great a difference between you and your horse?* *It is,* replied the Knight, *because I take care of me, and my servant of my horse.* The Answer was thought too bold, and was really so. His negligence, joined with his want of respect, was punished by an entire degradation, which left him no other right of a citizen, but that of paying taxes; *in aerarios relatus est.*

Cato, surnamed the Censor from his severity in the exercise of that office, expelled L. Quintius Flaminius from the Senate, for having caused a criminal to be executed at an entertainment whilst Consul, to give a courtesan the inhuman pleasure of seeing a man die. According to Livy, the fact was far more horrid.

M 2

In

(a) Censorii styli mucronem multis remediis majores nostri retulerunt. Cic. pro Cluent. n. 123.

A.R. 312. In the Censorship, of which we have spoke
 Ant. C. above, wherein Fabius was nominated *Prince of*
 440. *the Senate*, the names of eight Senators were
 Liv. l. 27. omitted, of which number was L. Cæcilius
 c. 11. Metellus, who had proposed the infamous and
 criminal advice of abandoning Italy after the
 unfortunate battle of Cannæ.

Val. Max. The Cenfor Fabricius Luscinus left Cornelius
 l. 2. c. 9. Rufinus, who had been twice Consul and once
 Dictator, out of the list of the Senators, for
 having ten pounds of silver plate; persuaded,
 that such an example might be fatal to the State,
 by introducing luxury into it. (a) Happy age,
 said Cato of Utica, in which a little silver plate
 was considered as a dangerous luxury that me-
 rited the correction of the Cenfor!

Other Censors excluded Duronius from the
 Senate, because, whilst he was Tribune of the
 People, he had opposed a law that prescribed
 very narrow limits to the expences of the table.
 The Historian, to shew all the injustice and un-
 worthiness of the Tribune's conduct (b), makes
 him mount the Tribunal for harangues, and puts
 this discourse into his mouth. *Romans, a curb*
is given to your desires, an insupportable yoke is
imposed upon you. There is a Law proposed, for
obliging you to live with frugality: But the gods
forbid that we should submit to it. I therefore pro-
hibit an ordinance, that favours of the rust and
gross-

(a) Laudabat Cato secu-
 lum illud in quo censorium
 crimen erat paucæ argenti la-
 mellæ. Senec. de vit. beat.
 c. 21.

(b) Quam impudenter Du-
 ronius Rostra conscendit, illa
 dicturus! Fræni sunt injecti,
 Quirites, nullo modo perpe-
 tiendi: alligati & constricti

estis amaro vinculo servitutis.
 Lex enim lata est, quæ vos
 esse frugi jubet. Abrogamus
 igitur istud horridæ vetusta-
 tis rubigine oblitum imperi-
 um. Etenim quid opus li-
 bertate, si volentibus luxu
 perire non licet? Val. Max.
 l. 2. c. 9.

grossness of ancient times. For what signifies liberty, if we are not permitted to ruin ourselves by luxury if we think fit? Such discourse would appear ridiculous and senseless: is the reality less so? Yet they must think in this manner who authorize luxury.

This necessity of appearing at certain times before the tribunal of the Censors, to give an account of their conduct, imposed universally on all the citizens, and from which neither birth, services rendered the state, nor the most important offices previously exercised, as those of Consul and Dictator, exempted any one, must have been a powerful check upon licentiousness and disorder. So salutary a dread was the support of the Laws, the tie of concord, and in a manner the guardian of decency, modesty, justice, and integrity of manners in general.

There are, says a modern author, bad examples, which are more pernicious even than crimes, and more states have been ruined by corrupting their manners, than violating their laws. At Rome, whatever might introduce dangerous innovations, change the sentiments or inclinations of the good citizen, and prevent, if I may use the expression, their perpetuity; in a word, all disorders of a public or private nature, were reformed by the Censors. This reflection seemed very solid to me.

If luxury and avarice, the usual causes of the ruin of States, were introduced so late at Rome; if poverty, frugality, simplicity, and moderation, in the table, buildings, furniture and equipage, were so long in honour there, I doubt not but so extraordinary a felicity ought principally to be ascribed to the inexorable severity of certain Censors, rigidly attached to the ancient

A.R. 312. manners of their country, from which they
 Ant. C. well knew how important it was not to depart.
 440.

When we see a Roman, who has passed through all the great offices of the State, degraded from his dignity of Senator for having a little more silver plate than others, we are naturally inclined to tax such a sentence with excessive and extravagant rigour. But we should remember that the Censor, who passed this sentence, was the celebrated Fabricius. Those great men, who were totally devoted to the good of the public, and by a wise foresight extended their views to remote ages, believed it their duty by exemplary punishments to put a stop to the abuses which they saw rise up in their own times, and of which they foresaw all the pernicious and fatal effects. They knew, that these abuses, which it is easy to reform in their birth, but which, by the negligence of magistrates and long impunity, soon become too strong for all laws, draw in and infect a whole nation with incredible rapidity. Now when things are gone so far, and (*a*) what were before vices and disorders, are become the manners of a State, it is in vain to hope for remedies; for none there are.

When (*b*) Cicero accused Verres; the Judges were so universally infamous at Rome for their avarice and other vices, that the People themselves, whatsoever aversion they had always expressed for the Censorship, ardently desired that office, which had been laid aside for some time,

(*a*) Desinit esse remedio locus, ubi, quæ fuerant vitia, mores sunt. *Senec. Epist.* 39.

(*b*.) Judicium culpa atque dedecore, etiam Censorium

nomen, quod asperius antea populo videri solebat, id nunc pollicitur; id jam populare atque plausibile factum est. *Cic. in Verr.* n, 8,

time, might be re-established, believing it the only remedy that could be found for the disorders which prevailed in the administration of justice. And it was actually re-instated the same year by the Consuls Pompey and Crassus.

The austerity of the Censorship produced at Rome the same effect in respect to manners, as the severity of the military discipline did in the armies in respect to supporting subordination and obedience. And these were the two principal causes of the Roman greatness and power. (a) And indeed, of what use is courage abroad, if depravity and corruption reign at home? Whatever victories are gained, whatever provinces are subjected, if purity of manners do not prevail in the different orders of a state, if the administration of justice, and the power of the government, be not founded upon invariable equity and a sincere love of the public good, however powerful an empire may be, it cannot subsist long. It is a Pagan that talks thus upon occasion of the great advantages consequential of the Censorship at Rome. We have often (b) observed, that the sanctity of oaths was no where so much respected as at Rome. This was, as Cicero remarks, because no crimes were so severely punished by the Censors, as breach of faith and contempt of oaths.

M 4

The

(a) Quid enim prodest foris esse strenuum, si domo male vivitur? Expugnantur urbes, corripiantur gentes, regnis injiciantur manus, nisi foro & curiæ officium ac verecundia sua constiterit, partarum rerum æquatus cœlo cumulus sedem stabilem non habebit. *Val. Max. l. 2. c. 9.*

(a) Nullum vinculum ad astringendam fidem jurejurando arctius majores esse voluerunt.—Id indicant notationes animadversionesque Censurarum, qui nulla de re diligentius, quam de jurejurando, judicabant. *Offic. l. 3. c. 111.*

A.R. 312.
Ant. C.
440.

The *Census* concluded with a religious ceremony in the field of Mars. The whole People were present at it. A sow, a sheep or ram, and a bull, were offered as a sacrifice, which from thence was called *Suovetaurilia*, and according to others, *Solitaurilia*. This closing of the *Census* was called *Lustrum*, and the expression *Lustrum condere* occurs frequently in authors. Varro derives this word from *luo*, which signifies to pay; because the tax which had been imposed by the Censors, whose office continued five years at their first institution, was paid at the beginning of every fifth year. From whence the word *lustrum* in Latin signifies the space of five years.

I have dwelt a little on what relates to the *Census*, because it will be often mentioned in our history, and was the principal function of the Censors, and shall touch slightly upon the rest.

Liv. l. 44.
c. 16.

They had the care of causing the temples, high-ways, bridges, aqueducts, and all public buildings, to be erected and kept in good condition; and to see that necessary and timely repairs were made, which was called, *Sarta teſta exigere, sarta teſta tueri*. We find that in the 583d year of Rome, the Senate made the Quæstors pay half the taxes of the year into the hands of the Censors, to be employed in different public buildings. The *Basilica*, which Sempronius caused to be erected at that time, was called *Sempronia* from his name, as that of Cato was before, *Porcia*. The public buildings, and great halls with porticos, where the Senate assembled, justice was administered, the Civilians answered consultations, and the merchants and bankers transacted their affairs, were called *Basilicæ*.

Id. l. 39.
c. 44.

One important function also of the Censors ^{A.R. 312.} was to consign the public revenues to tax-far- ^{Ant. C. 440.} mers, called for that reason *Publicani*. These (a) farms could not be consigned, but in the presence of the Roman People. It appears that when the leases were let by them at too high a rate, the farmers had recourse to the Senate, who sometimes ordered them to be put up again; which happened in Cato's Censorship, when the farms were let at a rate something lower.

In Livy we find, that the keeping of the public records was confided to them, and that they presided over the Registers, and examined, whether they discharged their duty with exactness and fidelity.

They had also a peculiar attention and jurisdiction over marriages. Certain Censors laid a ^{Val. Max. l. 11. c. 9.} considerable fine upon a citizen, who had continued unmarried to an old-age: and others expelled a Senator for having repudiated his wife without consulting his friends.

What I have hitherto related concerning the Censorship, shews of what importance that office was, upon which depended the good order, regulation, discipline, conversation of the manners, and administration of the revenues of the commonwealth. It is time to resume the thread of our history. We digressed at the Consulship of Geganius Macerinus and T. Quintius Capitolinus.

M. GEGA-

(a) *Censoribus vestigia locare nisi in conspectu populi Romani non licet. 1 in Rull. l. 7.*

A. R. 312.

Ant. C.

44^{Sen}*The Arde**sends im-**mediate**aid to the**Ardeates**against the**Volsci.*

Liv. l. 4.

c. 9, 10.

M. GEGANIUS MACERINUS, II.

T. QUINTIUS CAPITOLINUS, V.

Under these Consuls, the Ardeates, who had made their peace the year before with the Roman people, came to implore their aid in a very pressing emergency. A violent sedition had rose up in their city between the Nobility and People. Things had been carried to the last extremities. The populace, who did not resemble those of Rome, having seized an eminence, ravaged the lands of the nobility from thence with fire and sword, and afterwards returned to Ardea, which they treated like an enemy's city. The two parties, who were too weak of themselves, had each recourse to strangers. The People applied to the Volsci, who came to their aid without loss of time. It was at this conjuncture, that the deputies from the Nobility arrived at Rome. The Consul Geganius was ordered to set out immediately, and soon advanced with his army near the enemy, who besieged the city. The next day the Consul, having divided the work very early in the morning amongst his troops, surrounded the whole camp of the Volsci with a good intrenchment, who seeing themselves besieged, and shut up so close, in some days, for want of every thing, demanded to capitulate. The Consul gave them to understand, that they must expect no quarter, except they delivered up their general, and surrendered at discretion. In their despair they attempted a sally, which cost them dear, abundance of them perishing in it. They found it their necessity to surrender. After they had delivered up their general, and laid down their arms, they were all obliged to pass under the yoke, and dismissed each only with

with one habit, and covered with shame and ignominy. In passing near Tusculum, the inhabitants of that city, who had long been their declared enemies, put them all to the sword, so that scarce any were left to carry home the sad news of their defeat. The Consul afterwards entered Ardea, which received him as its deliverer and father. He caused the Heads of the principal authors of the sedition to be cut off, confiscated their estates for the benefit of the public treasury, and in that manner re-established peace and tranquillity between the citizens. Ardea, by so important a service, thought an ample amends made it for the sentence which had been passed against it. But the Senate believed there still remained something to do, in order to abolish the remembrance of the shameful avidity which had so much dishonoured the Roman People. We shall soon see in what manner they acted. The Consul entered Rome in triumph. Cluilius, the general of the Volsci, was led in chains before his chariot, with the rich spoils which he had taken from the enemy.

Quintius, the other Consul, equalled by the virtues of peace the glory his colleague had acquired by his military exploits. He applied himself in such a manner to preserve the peace and union of the city, and acted with such perfect impartiality between great and small, that by a wise mixture of steadiness and lenity, his administration was equally grateful to the Senate and People. He kept the Tribunes effectually within bounds, not by fierce and violent disputes, or an air of haughtiness and authority, but by I know not what kind of ascendant, that his universally known merit gave him. For
five

A.R. 312. (a) five Consulships, through which he had
 Ant. C. passed with the same undeviating probity and
 440. wisdom, or, to speak more properly, the truly
 Consular dignity of his whole life, rendered
 his person almost more awful and venerable
 than his office. In consequence, the Tribunes
 did not presume to speak of electing Military
 Tribunes, and Consuls were created again.

A.R. 313.
 Ant. C.

M. FABIVS VIBULANVS.

POSTVMVS ÆBVTIVS CORNICEN.

459.

*Amends
 made for
 the inju-
 rice done
 the Arde-
 ates.*

In this Consulship, the Senate made the Ardeates intire amends for the injustice done them. Under pretext that their city was reduced to a small number of inhabitants, they decreed that a colony should be sent thither to serve as a garrison against the Volsci. The decree was conceived in those terms, in order that the Tribunes and the People might not perceive that the design of it was to cancel their judgment. But the Senators had agreed, that the colony should consist of a much greater number of the * Rutuli than of the Romans; that no other lands should be assigned it, but those of which the infamous judgment had deprived the Ardeates: and that none of the Romans should have the least part of those lands, till all the Rutuli had their proportion of them. In this manner that territory devolved again to the Ardeates. The Triumviri appointed for settling this colony had no other means to avoid the unjust vengeance of the People, whose Tribunes had already assigned them a day for appearing at their

(a) Quinque Consulatus quam honorem, faciebant,
 eodem tenore gesti, vitæque Liv.
 omnis consulariter acta, ve- * The Rutuli inhabited the
 rendum penè ipsum magis, city of Ardea.

P. GEG. MACER. M. LANAT. 'Consuls.' 173

their tribunal, but in causing themselves to be enrolled in this colony, and residing with it. A.R. 313.
Ant. C.
439.

C. FURIUS PACILUS.

M. PAPIRIUS CRASSUS.

A.R. 314
Ant. C.
438.

This year passed in tranquillity. The Games which the Senate had vowed during the Secession of the People were now celebrated.

P. GEGANIUS MACERINUS.

L. MENENIUS LANATUS.

A.R. 315.
Ant. C.

Rome, under these Consuls, had various evils and dangers to experience. Fortunately for her no war abroad happened, or she would have found it exceedingly difficult to support herself. 437.

The first of these calamities was a famine; *Great famine at Rome.* whether in effect of a bad harvest, or that the inhabitants of the country had neglected the cultivation of the lands through their fondness for the assemblies, and the pleasures of the city; for both these reasons are given. The dearth was excessive. To remedy that evil, by the consent of the Senate, the People chose L. Minucius Prefect, or superintendant of provisions. He found himself extremely embarrassed in the exercise of this new Office, or rather Commission. The neighbouring states and cities, to whom he had sent persons to purchase corn, were of no service to him; except only Etruria, from whence he got some, but very little. This reduced him to dispense, according to the different necessities of the People, the little corn that was left in the city, by obliging particulars to declare exactly what quantity they had, and to sell what was more than necessary to themselves for one month. Part of what was allowed slaves daily, was retrenched. The venders of corn were suspected of concealing it, and in consequence

A.R. 315. consequence exposed to the hatred and anger of
 Ant. C. the People. However, all enquiries served ra-
 437. ther to evidence than lessen the scarcity. Ma-
 ny of the populace, finding themselves without
 hope or resource, to avoid suffering any longer
 the miseries of so cruel a famine, drowned them-
 selves in the Tiber.

This first calamity gave birth to a second
 danger of a different kind that threatened the
 public liberty.

*Mælius
 conceives
 the design
 of making
 himself
 King.*

Sp. Mælius, of the Equestrian order, who
 was very rich for those times, and still more
 ambitious, conceived thoughts of taking advan-
 tage of the present misfortune, and flattered
 himself that the People, in so general a cala-
 mity, would sell their liberty cheap. Having
 bought up a great quantity of corn at his own
 expence in Etruria, by the assistance of his
 friends there and his clients, (which probably
 prevented Minucius from getting much in that
 province) he distributed it amongst the People.
 By this liberality he became the darling of the
 populace, who attended him every where in the
 city, made him a train much above the condi-
 tion of a private person, and promised him be-
 forehand the Consulship. But as ambition is in-
 satiable, and cannot be contented with what it
 seems assured of possessing, he carried his views
 farther, without examining whether they were
 just or no. He rightly perceived, that he should
 necessarily experience a rough conflict with the
 Senators to carry the Consulship against their
 consent, and that it could only be effected sword
 in hand. He conceived in consequence, that
 to attain the sovereignty would not cost him
 more trouble, and from that moment levelled
 all his endeavours that way; considering the
 throne

throne as the only reward, that merited the A. R. 315.
pains and dangers he had to undergo. A. C.

The day of the assembly for the election of 437.
Consuls approaching, as he had not sufficient
time for concerting all his measures, his design
was not ripe for execution. The election was
made with tranquillity, and according to the
views of the Senate.

T. QUINTIUS CAPITOLINUS, VI.

A. R. 316.

AGRIPPA MENENIUS LANATUS.

Ant. C.

Quintius was a very improper Consul for any 436.
person that conceived designs of innovating in
the State.

L. Minucius was continued in the office of
Præfektus annonæ, or superintendant of pro-
visions. By the duty of his office he did the
same in public, that Mælius took upon himself
to do in private ; which occasioned the same
kind of people to frequent the houses of both.
By their means he knew what passed at Mæli-
us's, and immediately informed the Senate of it.
He told them, “ he had discovered that arms
“ were carried into his house ; that he held as-
“ semblies and made harangues there ; and that
“ he was most certainly taking measures to
“ make himself King. That the time for the
“ execution of his design was not yet fixed ;
“ but that every thing previous to it was con-
“ cluded. That the Tribunes, corrupted by
“ money, had divided amongst them the dif-
“ ferent measures necessary to be taken for its
“ success. That he gave this information al-
“ most later than the safety of the public re-
“ quired ; but that he was willing to be assured
“ of the fact by certain proofs, and not to re-
“ ly upon loose and doubtful reports.

Upon

A.R. 316. Upon this advice the principal Senators re-
 Ant. C. proached the Consuls, both of the preceding
 436. and present years, extremely, for having had
 so little vigilance, as not to have discovered a
 conspiracy of that importance, which had al-
 ready been carried on for a considerable length
 of time. Quintius, after having made an apo-
 logy for the Consuls, and represented, that in-
 stead of losing time in useless and perhaps unjust
 complaints, it was necessary to apply immedi-
 ately to the remedy, added, that it was his ad-
 vice, that a dictator should be immediately ap-
 pointed, whose supreme authority might stifle
 the evil in its birth, and even before it had time
 to break out. His opinion was generally ap-
 proved. Every body cast their eyes upon L.
 Quintius Cincinnatus, who long refused to ac-
 cept an office, of which he believed his great
 age made him incapable. But he was at length
 obliged to comply with the warm remonstran-
 ces and earnest intreaties of the whole Senate.
 After having implored the gods not to suffer
 his age to be of prejudice to the Commonwealth
 in so imminent a danger, he consented to be no-
 minated Dictator, and immediately appointed
 C. Servilius Ahala master of the horse.

The next day Cincinnatus, who well per-
 ceived that the only means for crushing so dan-
 gerous a conspiracy, was to exert his authority,
 appeared on a sudden in the Forum, and
 ascended the Tribunal with his Lictors before
 him carrying the rods and axes, and with all
 the ensigns of the sovereign authority. The
 People, surprized and terrified at so sudden an
 appearance, could not comprehend the cause of
 it; but Mæius, and his accomplices, soon
 judged that themselves were aimed at. Such
 as were ignorant of his designs, asked each
 other,

other, what imminent danger had made it necessary to nominate a Dictator in time of Peace, and to put Quintius at upwards of fourscore into that office. The Dictator presently sent Servilius, his master of the horse, to order Mælius to appear before him. Mælius surprized, and uncertain how to act, deferred obeying, and endeavoured to escape. Servilius ordered a Lictor to seize him; and upon that officer's executing the master of the horse's orders, Mælius implored the aid of the Roman People, complaining that he was to be sacrificed by the intrigues of the Senate for the good he had done the People. He conjured his fellow-citizens to assist him in his present extreme danger, and not to suffer him to be butchered before their eyes, and in their presence. The people grew tumultuous: his partisans encouraged each other, and took him by force from the Lictor. Mælius threw himself into the crowd to avoid the pursuit of Servilius: but the latter followed him close, overtook him, ran his sword through his body, and covered with his blood, returned to give the Dictator an account of what he had done. *You have done well, Servilius, said the Dictator: continue to defend your country with the same courage as you have now delivered it.*

The populace not knowing how to think of what they saw, and being in a great commotion, the Dictator called an assembly, and began by declaring, “ That Mælius had been
 “ killed justly, and as he deserved, even though
 “ he were not guilty of the crime laid to his
 “ charge; for having disobeyed the Dictator’s
 “ summons signified to him by the master of
 “ the horse. That he had taken his place on
 “ the tribunal, in order to enquire into the af-
 “ fair; after which he should have done Mæ-

A.R. 316. “ lius the justice he deserved. That as he had
 Ant. C. “ recourse to violence, to avoid appearing to
 446. “ take his trial, violence had been used to cor-
 “ rect his rebellion. That it was highly wrong
 “ to consider a man as a citizen, who had con-
 “ ceived the impious design of making him-
 “ self King; who had been born amongst a
 “ free people, in the midst of their sacred laws
 “ and ordinances, and in a city from whence
 “ Kings had been expelled: a man, who knew
 “ that in the very year of their expulsion, the
 “ King’s nephews, and the sons of the Consul
 “ who had delivered his country, had been put
 “ to death, the latter by the hands, or at least
 “ by the orders, of their own father, for hav-
 “ ing conspired to receive the Kings into Rome;
 “ that in the same city the Consul Collatinus
 “ Tarquinius, in hatred only of his name, had
 “ been obliged to abdicate the Consulship, and
 “ banish himself from his country; that some
 “ years after, Sp. Cassius had been put to death,
 “ for intending to make himself King; and
 “ that, very recently, the tyrannical haughti-
 “ ness with which the Decemvirs exercised
 “ their power, had been punished with confis-
 “ cation of their estates, banishment, and even
 “ death: that, notwithstanding such examples,
 “ Mælius had undertaken to make himself
 “ King, and to ascend the throne. And what
 “ man was Mælius, to conceive such hopes!
 “ Neither his nobility, dignities, nor services
 “ could open him a way to the tyranny:
 “ whereas Claudius, Cassius, and the rest, had
 “ aspired at so criminal an elevation, sustained
 “ by their Consulships, Decemvirates, the ho-
 “ nours of their ancestors, and the splendor of
 “ their families. But as to Mælius, who might
 “ rather

“ rather (a) have desired than expected to A.R. 316.
 “ obtain the Tribuneship of the people, and Ant. C.
 “ whose whole merit was the possession of a 436.
 “ great quantity of corn ; who could imagine,
 “ that such an one could flatter himself with
 “ having purchased the liberty of his country
 “ for a few pounds of grain ; and with having
 “ made a people, victorious over all their
 “ neighbours, accept of slavery for a morsel
 “ of bread : that Rome, which could scarce
 “ have suffered him in the rank of a Senator,
 “ would accept him for her King, and calmly
 “ see him invested with all the marks of ho-
 “ nour and authority of Romulus her founder,
 “ descended from, and admitted into the num-
 “ ber of, the gods ? That such a design ought
 “ not to be considered more as a crime, than
 “ as a prodigy. That it did not suffice to have
 “ expiated it by the blood of the criminal, if
 “ the house, where so frantic and so vile an en-
 “ terprize had been formed, was not levelled
 “ to the ground, and the possessions, polluted
 “ by the iniquitous use he intended to make of
 “ them for purchasing the tyranny, confiscated,
 “ That therefore he decreed, that those pos-
 “ sessions should be sold by the Quæstors, and
 “ the money brought into the public treasury.”

That wise magistrate seeing, as the leader of the conspiracy was dead, that there was nothing farther to fear, did not judge it proper to

N 2

enquire

(a) Sp. Mælium, cui Tribu-
 bunatus plebis magis optan-
 dus quam sperandus fuerat,
 frumentarium divitem, bili-
 bris farris sperasse libertatem
 se civium suorum emisse, ci-
 boque objiciendo ratum vi-
 ctorem finitimorum omnium
 populum in servitutem per-
 lici posse : ut, quem senato-
 rem concoquere civitas vix
 posset, regem ferret, Romu-
 li conditoris, ab diis orti, re-
 cepti ad deos, insignia atque
 imperium habentem. Non
 pro scelere id magis quam
 pro monstro habendum. Liv.

A.R. 316. Ant. C. 435. enquire into his adherents, lest the number of the criminals should be too great, and his too severe endeavours to punish all the conspirators should make the conspiracy break out.

The house of Mælius was demolished immediately. The place where it stood was called *Æquimelium*, that is to say, *Demolished house of Mælius*, in order that the name might subsist as a monument both of the crime and its punishment. An ox with gilt horns was given, and a statue erected, to Minucius; which the People did not oppose, because, to give them no room to regret Mælius, he directed all the corn found in his house to be distributed amongst them at a very low rate.

Besides Mælius's having rendered himself guilty and worthy of death by refusing to obey the Dictator, the (a) Laws themselves, from the time he had conceived the criminal design of usurping tyrannical power, armed the hands of all the citizens against him. A Tyrant was considered at Rome as a monster, that cannot be lopped off too soon from the body of human society, in the same manner as people hasten to cut off without mercy a rotten member, capable of destroying all the rest. The Romans never forgot the oath taken in the name of the whole People after the expulsion of the Tarquins, to exterminate whomsoever should form the design of making himself King.

Three

(a) Nulla nobis societas cum tyrannis, sed potius summa distractio—Hoc omne genus pestiferum atque impium ex hominum communitate exterminandum est. Etenim, ut membra quædam amputantur, si & ipsa san-

guine & tanquam spiritu cære coeperunt; sic ista in figura hominis feritas & immanitas belluæ à communi tanquam humanitate corporis segreganda est. *Offic. l. 3. n. 32.*

Three of the Tribunes of the People, highly A.R. 316.
discontented with what had lately passed, ex-
claimed violently against Minucius, and espe-
cially against Servilius the Master of the horse, Ant. C.
who without any form of justice, and even with-
out his Superior's order, had killed a citizen in
the bosom of his country. They loudly threat-
ened to bring him to a trial, as soon as the
Dictator quitted his office, and excited a great
tumult amongst the populace. All that they
could obtain was, that Military Tribunes should
be chosen instead of Consuls, in hopes that of
six places, for so many Military Tribunes might
be created, some might fall to their share. The
People elected only three, all Patricians, of
which number was L. Quintius, the son of Cin-
cinnatus, whose Dictatorship the Tribunes en-
deavoured to render odious to them.

SECT. III.

Roman ambassadors killed by the order of Tolumnius King of the Veientes. That King is killed in battle by Cossus, who takes the second Royal Spoils, called Spolia opima. The duration of the Censorship is reduced to eighteen months. Singular Law in respect to Candidates. The Consuls are obliged to nominate a Dictator. They chuse Postumius Tubertus, who gains a great victory over the Æqui and Volsci. Mamercus Æmilius is nominated Dictator. He also gains a great victory over the Veientes and Fidenates. The Tribunes of the People complain because the Plebeians are excluded offices. Sempronius's unfortunate campaign against the Volsci. Great action of Tempanius, which saves the army. Tempanius's wise answer to the Tribunes of the People. He is made Tribune of the People.

A.R. 317.
Ant. C.
435.

MAMERCUS ÆMILIUS.
L. QUINTIUS.
L. JULIUS.

*Roman
ambassa-
dors killed
by order of
Tolumnius
King of the
Veientes.*

THE city of Fidenæ, which was a Roman colony, went over this year to the Veientes, of whom Lars Tolumnius was then King. To the crime of revolt they added one of a much blacker dye, in killing by order of Tolumnius the Roman ambassadors, sent to complain of their new conduct, and to demand reasons for it. Some writers, to cover the King's fault, say, that an expression which he dropped at dice was taken by the Fidenates, who came to consult him upon the treatment they should give the Roman ambassadors, as an order to kill

kill them. But Livy is far from admitting this manner of relating the fact, and shews it is entirely improbable, that a Prince, when consulted by new allies upon so serious an affair as that in question, should continue unconcerned at play; and that it is infinitely more natural to believe the King gave them that advice, to attach them the more firmly to his party by a rupture of such kind, as left them no hopes of reconciliation with the Romans.

However that were, the latter began by erecting three statues near the Tribunal for harangues, to the ambassadors who had been killed; and afterwards applied themselves seriously to avenge so horrid a violation of the Law of nations. The importance of the affair prevented the Tribunes from exciting troubles; and Consuls were elected.

M. GEGANIUS MACERINUS, III.

A.R. 318.

L. SERGIUS FIDENAS.

Ant. C.

Sergius marched against the King of the Veientes, and gained a considerable victory over him, but which cost him dear. The loss in consequence of a great number of citizens who fell in it, afflicted Rome more than the defeat of the enemy gave them joy. The Consul seems to have had the surname *Fidenas* given him from this victory.

To terminate this war successfully, the Senate thought it necessary to nominate a Dictator. Mamercus Æmilius was elected. He chose L. Quintius Cincinnatus master of the horse, whose merit, young as he was, answered his father's reputation; and who the year before had been one of Æmilius's colleagues in the office of Military Tribune. At the levy made by the Consuls, many old centurions of great valour

A.R. 318. and experience in war entered themselves for
 Ant. C. the service. The number of the soldiers killed
 434. in the last battle were filled up. Quintius Ca-
 pitolinus and M. Fabius Vibulanus followed the
 Dictator as Lieutenants.

Tolumnius The two armies came to blows near Fidenæ.
is killed in That of the enemy was the most numerous.

battle by The Veientes were posted on the right wing,
Cossus who the Falisci, who came to their aid, on the left,
takes the and the Fidenates in the centre. On the side
second Roy- of the Romans the Dictator commanded the
al spoils. right wing, Quintius Capitolinus the left, and
called op- the Master of the horse the centre. The latter
ma. began the battle with the cavalry, and was soon
 followed by the foot. The infantry of the He-
 trurians could not sustain the charge of the Ro-
 mans: their horse, animated by the presence of
 their King, kept their ground better. There
 was an officer in the Roman cavalry, called A.
 Cornelius Cossus, of illustrious birth, of a fine
 person and stature, and still more distinguished
 by his bravery. The nobility and merit of his
 ancestors exalted his courage, and he not only
 sustained, but augmented, their glory. As he
 saw that Tolumnius carried terror and confusion
 wherever he moved: *Is that, cried he, the in-*
fractor of human laws, and of the law of na-
tions? I flatter myself (if there are gods avengers
of guilt) that I shall soon sacrifice that victim to
the manes of our ambassadors. On saying this,
 he spurred forwards with impetuosity against
 the King, and with the first blow of his lance
 unhorsed him. He dismounted the same mo-
 ment, and as the King rose, beat him down
 upon his back a second time with his buckler,
 and after having given him several wounds,
 thrust him through the body, and nailed him
 to the ground. He then stript him of his spoils,
 and

and having cut off his head, fixed it upon the point of his spear, and by that bloody trophy evidenced his victory to the enemy, and spread terror amongst them on all sides. It was no longer a battle, but a flight, with the cavalry. The Dictator, on his side, had broke the enemy's foot, and pursued them vigorously, and with great slaughter. Generals, officers, and soldiers, all equally prompted by the desire of just revenge, seconded his ardour wonderfully. The victory was compleat.

The Dictator entered Rome in triumph. But Cossus, who carried the spoils of the King he had killed with his own hand, engrossed all the honour of that solemnity to himself, and drew all eyes upon him by the novelty of the sight. They were the second royal spoils, *spolia opima*, that had been taken since the foundation of Rome. Cossus placed his in the temple of Jupiter Feretrius, near those of Romulus.

The common opinion was, even in Livy's time, that the spoils, called *opima*, were only properly so, when taken by one general from another whom he had killed. (a) Varro thought otherwise. It is however certain that Cossus was at that time only a subaltern officer. The Emperor Augustus affirmed, from having seen it himself, that in the inscription upon the spoils of Cossus, he was termed Consul. He was so some years after, but at a time when there certainly was no such battle. It is not impossible, but that inscription might have been affixed to them in succeeding times by some descendants of Cossus, who might have called him Consul, not that he was Consul when he killed Tolumnius,

(a) Opima spolia etiam traxerit, dummodo duci hoste, si manipularis miles destitum. Varr. apud Feß.

A.R. 318. nius, but because he was so afterwards. Livy,
Ant. C. who no doubt did not dare to refute Augustus's
434. testimony, to which he seems however to have
no great regard, does not explain himself clearly
in this place.

A.R. 319. M. CORNELIUS MALUGINENSIS.

Ant. C. L. PAPIRIUS CRASSUS.

433. Sp. Mælius, Tribune of the People, cited
Liv. l. 4. Minucius and Servilius Ahala to take their tri-
c. 21—25. als. Livy says this accusation had no conse-
Cic. orat. quence, however Cicero and Valerius Maximus
pro domo, observe, that the latter was banished.
n. 86.

Val. Max.

l. 5. c. 3. C. JULIUS, II.

A.R. 320. L. VIRGINIUS.

Ant. C. The plague, which had appeared the year
432. before, raged much more during this, both in
the city and country. It encouraged the Fide-
nates to advance almost to the gates of Rome.
They were assisted by the Veientes. A. Servi-
lius was created Dictator, who chose Postumus
Æbutius Elva master of the horse. The war
was terminated by the taking of Fidenæ.

The Censors C. Furius Pacilus, and M. Ge-
ganius Macerinus, caused a building in the field
of Mars, which they had purchased at the pub-
lic expence, to be fitted up. The *Census* was
made there for the first time.

A.R. 321. C. JULIUS, III.

Ant. C. L. VIRGINIUS, II.

431. Upon a rumour that the twelve people who
composed the state and whole body of Hetruria,
were preparing to attack the Romans, Ma-
mercus Æmilius was nominated Dictator for the
second time, who chose A. Postumius Tubertus
master of the horse. That alarm of war com-
ing

ing to nothing, the Dictator, seeing himself A.R. 321.
deprived of the glory which he might have ac- Ant. C.
quired in the field, conceived the design of ^{431.}

leaving a monument of his Dictatorship by a new law which he proposed in respect to the office of Censor. He represented to the People, *The duration of the Censorship is reduced to eighteen months.*
“ That it was of importance to the liberty of
“ the public, that the great offices of the state
“ should not be of long duration : that all
“ others were annual, and only the Censorship
“ of five years. That there was reason to fear,
“ that some future Censors, less passionate for
“ the public good than those who had filled
“ that office hitherto, might abuse an authority
“ of so long continuance. That besides, it
“ was oppressive to particulars to have the same
“ persons inspectors and arbiters of their con-
“ duct for so long a term. That therefore he
“ believed it expedient to reduce the duration
“ of the Censorship to eighteen months.” The
law was accepted by the unanimous consent of
the People. *And that you may know, said he,*
that I do not approve offices of long continuance, I
abdicate the Dictatorship from this instant : and
he accordingly abdicated it.

The Censors were extremely offended by this new law, and carried their resentment to an excess that scarce seems credible. We have seen above, that one of the methods in which those magistrates punished the citizens to whose conduct they had any exception, was to remove them from a more to a less considerable Tribe. *Tribu movere*, to strike their names out of the registers of their Century, and to leave them no other right and mark of a citizen, except that of paying a certain contribution, which at the same time they often augmented ; this was called *ærariorum facere*. The Censors exercised their re-
venge

A.R. 321. venge in this manner against one of the greatest
 Ant. C. and most venerable citizens of Rome, whom
 431. they condemned to pay eight times the tax he
 had usually paid before. The People were so
 much incensed, that they pursued them in the
 Forum, and would have treated them with vi-
 olence, if Æmilius had not been so generous as
 to interpose. (a) That great man bore so unwor-
 thy a treatment with admirable constancy, con-
 sidering less the intended ignominy in itself, than
 the cause of it.

The Tribunes by their clamour prevailed to
 have Military Tribunes elected; but none of
 the Plebeians were nominated either in this or the
 following year.

A.R. 322.	M. FABIVS VIBVLANVS.
Ant. C.	M. FOSSIUS.
430.	L. SERGIUS FIDENAS.

The plague still shewed itself. As famine
 was the usual effect of it, the wise precaution
 was taken of sending early into Etruria, to Cu-
 mæ, and even into Sicily to purchase corn.

A.R. 323.	L. PINARIUS MAMERCUS.
Ant. C.	L. FURIUS MEDULLINUS.
429.	SP. POSTUMIUS ALBUS.

Singular The principal Plebeians were highly mortified
law in re- with having no share in an office, for the insti-
spect to tution of which they had so warmly contended.
candidates They laid the fault upon the People themselves,
 by whom they complained of being as little
 considered

(a) Quam rem ipsum in- tuentem, quam ignominiam.
 genti animo tulisse ferunt, *Liv.*
 causam potius ignominiae in-

considered as by the Senators. Others ascribed A.R. 323.
it to the industry of the Patricians in canvassing; Ant. C.
and to prevent the effect of it, the Tribunes 429.
proposed a law, which in our times, says Li-
vy, could not have been moved seriously, its
subject was so trifling and contemptible, though
it then excited great disputes between the Senate
and People. All the Roman citizens wore white
habits: but those who stood for offices, and
solicited the voices of the People, in order to
distinguish themselves the better, and to attract
the eyes of the populous the more upon them,
augmented the whiteness of their robes by the use
of a mixture, wherein chalk had a great part:
and from thence they were called *Candidati*,
candidates. The Tribunes, to prevent can-
vassing, they said, were for having candidates
prohibited to whiten their robes; and they car-
ried their point in passing that law. As it seemed
certain that the People in their anger would give
the Plebeians a share in the approaching election
of Military Tribunes, the Senate, by a decree,
ordained that Consuls should be elected.

T. QUINTIUS CINCINNATUS.

A.R. 324.

C. JULIUS MENTO.

Ant. C.

The great preparations of war made by the 428.
Æqui and Volsci induced the Senate to think of *The Con-*
nominating a Dictator. The Consuls, who op- *suls are re-*
posed each other, and always differed in opi- *duced by*
nion in every thing else, which much alarmed *force to no-*
the Senate, united on this occasion to frustrate a *minate a*
nomination, which they considered destructive *Dictator.*
to their own authority; and nothing could di- *Liv. l. 4.*
vide or make them change their opinion on this *c. 26—39-*
head. As the news of the powerful armament
of the enemy gave great alarm, Q. Servilius
Priscus, who had passed through all the great
offices

A.R. 324.
Ant. C.
428.

offices with honour, seeing the Consuls determined not to submit to the authority of the Senate, had recourse to a remedy more dangerous in its effects than the evil it was intended to redress. He exhorted the Tribunes to interpose the authority of the People deposited with them, in order to oblige the Consuls to declare a Dictator. The Tribunes seized with joy such an occasion of extending their power; and after having deliberated together upon Servilius's demand, they declared unanimously, *That the Consuls had to obey the Senate; and that if they persisted any longer in opposing the unanimous opinion of that august body, they should commit them to prison.* The Consuls chose rather to submit to the Tribunes than the Senate; but complained in the strongest terms, that the Senators betrayed their own interest, and the honour of the Consulship, in submitting it to the yoke of the Tribunitian power. They were certainly in the right in this respect. For what could be more injurious, or a greater indignity to the Senate, than this threat of the Tribunes to imprison the Consuls? And what they only menaced then, they actually did afterwards. There are more examples than one in the Roman history of Consuls committed to prison by order of the Tribunes. Such are the unhappy effects of discord in Bodies of the greatest wisdom and reputation. They are invincible, as long as their union subsists. Discord, in dividing their strength, makes them weak, and terminates in the ruin of their most important rights and privileges.

When the question was to nominate the Dictator, the Consuls, who always differed in their sentiments, could not agree between themselves who should declare him. They were reduced

to decide that point by lot, which fell to Quin-^{A.R. 324.}
tius. He chose A. Postumius Tubertus, a man ^{Ant. C.}
of a steady and imperious character, who ap-^{428.}
pointed L. Julius master of the horse.

The Dictator, after having divided his troops ^{Postumius}
into two bodies, of which he commanded one ^{the Dicta-}
himself, and gave the other to the Consul Quin-^{tor gains a}
tius, took the field. They encamped separately, ^{great vic-}
but near enough to each other, at a thousand ^{tory over}
paces from the enemy, who had also two camps. ^{the Veientes}
The Dictator, in several attacks, did all that ^{and Fide-}
could be expected from the valour and conduct ^{nates.}

of the most able general. The enemy, sur-
rounded on all sides, after having lost one of
their camps, would have been universally cut
off, and had suffered the just punishment of
their revolt, if Vectius Messius, an officer of
the Volsci, more distinguished by his bravery
and exploits than his birth, had not extricated
them out of the almost inevitable danger of a
total defeat. Seeing that the troops only moved
forwards and backwards, irresolute how to act:
*Have you determined, said he to them, to deliver
yourselves up in this place to the enemy without de-
fence? Wherefore then have you arms, and why
were you the first to declare war, full of courage
and boast at distance from danger, but fearful and
cowardly in battle? What do you hope from conti-
nuing here? Do you expect that some God will
come to your aid, and extricate you out of the pre-
sent difficulty? It is with the sword, that you must
open yourselves a way. Such of you as desire to
see your houses, fathers, wives, and children again,
follow me where I am going to lead the way. Nei-
ther walls, nor intrenchments, but men armed like
ourselves, oppose our passage. (a) If you are equal
to*

(a) Virtute pares, necessi- mum telum est, superiores
tate, quæ ultimum ac maxi- estis. Liv.

A.R. 324. *to the enemy in valour, you are superior to them in*
 Ant. C. *the necessity of conquering or dying, the last, the*
 428. *strongest of arms.*

After having said this, he charged the enemy furiously, followed by his own people with great cries. The body of troops which opposed them under Postumius Albus, one of the lieutenants, began to give way, when the Dictator, who saw what passed, arrived in very good time to their aid. The whole heat of the battle turned this way. The fate of the Volsci depended solely on Vectius, who was now their whole force. Much blood was shed, and a great slaughter made on both sides. On that of the Romans, almost all the general officers were wounded. The Dictator received a wound in the shoulder; Fabius a great one in the thigh with a dart; and the Consul a dangerous one in the arm: however none withdrew from the battle, except Postumius, who was carried out of the press, his head having been almost beaten to pieces by a stone. Vectius, after having acted prodigies of valour, with his brave troop of young intrepid soldiers, opened himself a way through the enemy, of whom he had made a great slaughter, and penetrated as far as the camp of the Volsci, which was not yet taken.

The whole Roman army followed him thither. The Consul who had pursued the enemy very vigorously to the camp, immediately attacked it. The Dictator did the same on another side. The assault here was no less warm than the battle. The Consul is said to have thrown an ensign into the intrenchments, to animate the courage of his soldiers; and they were the first that broke into the enemy's camp, in order to recover their colours. The Dictator, after having dismounted the palisadoes, had
 also

also entered the camp on his side. The enemy then laid down their arms and surrendered at discretion. All of them were sold for slaves, except the Senators. Part of the plunder was restored to the Latines and Hernici, who took what belonged to each of them. The Dictator caused the rest to be sold by auction ; and having left the Consul to command the troops that remained in the camp, he returned to Rome, where he triumphed, and immediately after abdicated the Dictatorship.

A.R. 324.
Ant. C.
428.

Some writers have abridged the glory of this Dictatorship, by saying that Postumius caused the head of his son to be cut off, for having quitted his post, and engaged without orders, from which action he however came off victorious. The fact is not certain, and seems little probable to Livy. Common opinion ascribes the first and only example of so inhuman a zeal for the military discipline to Manlius Torquatus.

It is observed, says Livy, though it did not then concern the Romans, that it was in * this year, for the first time, that the Carthaginians, who were in process of time to be such terrible enemies to the Roman People, taking advantage of the divisions which prevailed in Sicily, sent an army thither to the aid of one of the parties at war, who had called in their assistance.

L. PAPI-

* Herodotus, l. 7. c. 166. *same day that Xerxes lost the battle of Salamin, and consequently about fifty years before the time spoken of in this place.*
remarks, that Amilcar, who had landed in Sicily with three hundred thousand men, was entirely defeated by Gelo the

A.R. 325.

L. PAPIRIUS CRASSUS.

Ant. C.

L. JULIUS.

427.

Liv. l. 4.

c 30—34.

A truce of eight years was granted to the Æqui.

A.R. 326.

L. SERGIUS FIDENAS, II.

Ant. C.

HOST. LUCRETIVS TRICIPITINVS.

426.

A.R. 327.

A. CORNELIVS COSSVS.

Ant. C.

T. QUINTIVS PENNVS, II.

425.

A great drought destroyed abundance of cattle, and occasioned many diseases amongst men. (a) The very minds of the People seemed in some measure infected with the contagion; for superstition took place exceedingly by the means of certain imposters, who, to turn the credulity of the People to their advantage, went about from house to house teaching new and strange rites and sacrifices. The Ædiles were ordered to take care, that no other Gods and ceremonies of religion should be introduced into Rome, but such as were antiently received there.

A.R. 328.

SERVILIUS AHALA.

Ant. C.

L. PAPIRIUS MUGILANVS.

424.

There was a dispute upon occasion of a war with the Veientes, whether it should be declared by order of the People, or only by a decree of the Senate. The Tribunes prevailed that it should be by order of the People; and also that Military Tribunes should be chosen for the following year. But they still were all Patricians; and four were elected.

T. QUIN-

(a) Novos ritus sacrificandi, vaticinando, inferentibus in domos, quibus quæstui sunt capti superstitione animi. *Liv.*

T. QUINTIUS PENNUS.

C. FURIUS.

M. POSTUMIUS.

A. CORNELIUS CASSUS.

A.R. 329.

Ant. C.

423.

The three first marched with the army against the Veientes. We shall soon have occasion to observe the pernicious effects of a plurality of Commanders in chief, who seldom have a good understanding with each other. The Veientes took their advantage of the differences that subsisted between these, and in a first engagement, had the better, and obliged them to fly to their camp, and to shut themselves up within its works. The disgrace was greater than the loss. But the city, which was not accustomed to defeats, was very much afflicted on account of this, and demanded a Dictator. Cassus nominated Mamercus Æmilius, who chose him General of the horse. This was the same Æmilius, whom the Censors pretended to degrade by their injurious treatment of him. But the mark of infamy, which they had set upon him, fell only upon themselves; and Rome evidenced at this time the little regard she had to their unjust sentence, by seeking a Dictator in a house they had so unworthily stigmatized.

*Mamercus
Æmilius
nominated
Dictator.*

The Fidenates had joined the Veientes; and, as if the war could not properly commence without guilt on their side, they sullied their arms with the blood of all the new inhabitants, which Rome had sent amongst them as a colony, in the same manner as they had formerly murdered her ambassadors. The enemy established the seat of the war at Fidenæ.

The Dictator encourages the People, who were much alarmed.

Rome was in a great alarm. The troops who had done their duty so ill against the Ve-

A.R. 329. entes, had been recalled. Their late defeat had
 Ant. C. discouraged them. They were made to encamp
 423. before the gate *Collina*. Guards were posted on
 the walls, the administration of justice was sus-
 pended, the shops were shut ; and all things re-
 sembled a camp more than a city. The Dicta-
 tor, seeing the People in so great a consterna-
 tion, thought it incumbent on him to encou-
 rage them before he set out, and summoned the
 Assembly. When the citizens were met, he
 ascended the Tribunal, and began by reproach-
 ing them “ for suffering themselves to be so
 “ much dismayed by the minutest accidents ;
 “ that an inconsiderable loss, not occasioned by
 “ the enemy’s valour, nor the cowardice of the
 “ Roman army, but by the discord of the Ge-
 “ nerals, had on a sudden quite damped their
 “ courage, and made them afraid of an enemy
 “ they had so often defeated.” He added,
 “ That both the Romans and the enemy were
 “ the same they had been during so many ages ;
 “ that they had the same courage, the same
 “ strength of body, and the same arms. That
 “ as to himself, he was the same Dictator Ma-
 “ mercus Æmilius, who had heretofore routed
 “ the armies of the Veientes and Fidenates,
 “ supported by the Falisci. That his General
 “ of the horse was the same Cossus, who, when
 “ only one of the Tribunes of a legion, after
 “ having killed Lars Tolumnius, King of the
 “ Veientes, in the fight of the two armies, had
 “ adorned the temple of Jupiter Feretrius with
 “ new Royal spoils. That therefore they should
 “ remember, that they had triumphs, spoils,
 “ and victory, on their side ; and that on the
 “ enemy’s, there was only the guilt of mur-
 “ dering ambassadors contrary to the law of
 “ nations, the massacre of the colony of Fide-

“ næ at a time of perfect peace, the violation A.R. 329.
 “ of the truce, and revolts seven times repeated, Ant. C.
 “ notwithstanding the bad success with which 423.
 “ they had been always attended. That with
 “ these thoughts they should take arms and
 “ follow him. That he did not doubt, as soon
 “ as the two armies faced each other, that the
 “ enemy would not rejoice long for the slight
 “ advantage they had gained; and that on the
 “ contrary the Roman People would easily
 “ comprehend, that they who had nominated
 “ him Dictator for the third time, had done
 “ the Commonwealth better service, than those
 “ who had set a mark of infamy on his second
 “ Dictatorship, because he had set bounds to
 “ the tyranny of the Censors.”

The Dictator, after having sacrificed and Victory
 made vows to the gods, took the field, and en- over the
 camped fifteen hundred paces beyond Fidenæ, Veientes
 supporting his right with the mountains, and and Fidenates.
 his left with the Tiber. He ordered Quintius
 Pennus his lieutenant, to seize the mountains,
 and make himself master of the eminence in the
 enemy's rear, where he might easily conceal
 himself. The next day the Etrurians, em-
 boldened by the victory they had gained a little
 before, offering battle, the Dictator, as soon as
 he was informed that Quintius was master of
 the eminence, gave also the signal, and made
 his infantry advance fast against the enemy, after
 having directed the General of the horse not to
 begin the battle till he received his orders: that
 he would give him the signal at a proper time;
 and that he had only to think then of support-
 ing the honour he had acquired by the Royal
 spoils.

The armies charged each other, and fought
 with great ardour on both sides. A just desire

A R. 329. of revenge, joined with contempt and indigna-
 Ant. C. tion, animated the Romans strongly against the
 425. Veientes and Fidenates, whom they called per-
 fidious allies, cowardly enemies, and infractors
 of truces, polluted with the blood of ambassa-
 dors, and of those who inhabited the same city
 with them. They had already begun to give
 way before the first charge, when the gates of
 Fidenæ were on a sudden thrown open, and a
 troop of people, armed with fire and flaming
 torches, came out, who fell upon the Romans
 like so many madmen. This new form of fight
 at first surprized and confounded the Romans,
 when the Dictator, after having ordered Cossus
 to advance with the cavalry, and Quintius to
 descend from the mountains, flew to the left
 wing, which those unexpected fires had put into
 disorder. *How is this, soldiers,* said he ; *are*
you conquered with smoke like an hive of bees, and
do you quit your posts, and give way before ene-
mies without arms ? What then is become of the
Roman valour ? If you are to fight with fire and
not the sword, go, take those burning torches out of
the hands of the enemy, and turn them against Fi-
denæ, in order to destroy a city with its own
flames, which you have not been able to conciliate
by your favours. On these words the Romans
 resumed courage, and armed themselves with
 the torches that had been thrown at them, or
 which they had taken from the enemy. It was
 no longer a battle, but a kind of conflagration.
 At the same time Cossus advanced full speed
 with the cavalry, and charging with incredible
 impetuosity into the midst of the flames, which
 did not frighten the horses as at first they had
 the men, he beat down and trampled under foot
 all before him.

At

At this instant new cries were heard, which A.R. 329. Ant. C. surprized and terrified both armies. The Dictator informed his troops, that it was Quintius at-^{423.} tacking the enemy's rear by his order; and then with great cries he made them renew the fight with more ardour than before. The enemy were in extreme confusion, when they saw themselves attacked at the same time in front and rear, and that they could neither retire into their camp, nor to the mountains, from whence the new enemy were come down upon them. Most of the Veientes fled in disorder towards the Tiber, in order to pass it, and return home: but very few of them escaped. Some were killed upon the banks; others were pushed into the river, and swallowed up by the waves; and even those that could swim were drowned through weariness, wounds, and fear. As to the Fidenates, the few that remained of them made towards Fidenæ through their own camp. The Romans pursued them thither, especially Quintius, whose troops were still fresh, from their not having come down from the mountains till towards the end of the battle. Having entered pell-mell with the enemy, they got upon the walls, and made a signal that the city was taken. As soon as the Dictator perceived it, he marched thither with his troops, and advanced to the citadel, whither the soldiers and citizens were flying in crowds. The slaughter was great, till the Fidenates laid down their arms, and surrendered at discretion, asking only to have their lives spared. The city and camp were plundered by the troops. The Dictator returned to Rome, and triumphed at the head of his victorious army laden with spoils. Mamercus laid down the Dictatorship sixteen days after he received it, which made people doubt,

whether his moderation was not still greater than his valour; and left the city, which he found in extreme consternation, in the most profound peace and tranquility.

A.R. 330.
Ant. C.
422.

A. SEMPRONIUS ATRATINUS.

L. QUINTIUS CINCINNATUS.

L. FURIUS MEDULLINUS.

L. HORATIUS BARBATUS.

A truce for twenty years was granted to the Veientes, and one only for three years to the Æqui, though they had demanded it for a longer term.

A. CLAUDIUS CRASSUS, &c:

A.R. 331.
Ant. C.
421.

The games which had been vowed during the war, were now celebrated with great solemnity, and a vast concourse of the neighbouring people, who were highly satisfied with the kind and engaging manner, in which the Romans practised hospitality in regard to them.

Complaints of the Tribunes on account of the Plebeians being excluded from offices.

After the celebration of these Games, the Tribunes, highly discontented and enraged, that the Plebeians could not obtain a single place amongst the Military Tribunes, though that depended absolutely upon the People, made great complaints to them upon that head in their harangues. They reproached the multitude, “ that
“ their blind and stupid admiration for those
“ they really hated at bottom, made them con-
“ tinue voluntarily in eternal slavery; that they
“ not only did not dare to aspire at the Con-
“ sulship, but that even in the nomination of
“ Military Tribunes, in which they had an
“ equal right with the Senate, they forgot them-
“ selves, and those attached to them. They
“ added, that they ought not to wonder if none
“ con-

“ concerned themselves any longer in defence A.R. 331.
 “ of the interests of the People. (a) That per- Ant. C.
 “ sons exposed themselves willingly to labours 421.
 “ and dangers of all kinds for those from whom
 “ they might reasonably expect advantage and
 “ honours. That men would be capable of un-
 “ dertaking all things, if the greatness of re-
 “ wards answered that of their endeavours. But
 “ for a Tribune of the People to plunge head-
 “ long into disputes, in which he could foresee
 “ nothing but dangers and no advantage; and
 “ from which the only fruits he could promise
 “ himself were implacable hatred and eternal
 “ persecution on the side of the Senators, and
 “ on that of the People, for whom he con-
 “ tended, a total oblivion of all his interests:
 “ this was what could neither be expected nor
 “ required. That great honours generate great
 “ courages. That no Plebeian would despise
 “ himself, if he ceased to be despised by others.
 “ That at least they ought to make trial of
 “ some of them, to experience what they are
 “ capable of, and to see if it were so prodi-
 “ gious a thing to find a man of valour and
 “ merit amongst the People. That, after ma-
 “ ny conflicts, they had prevailed that Mili-
 “ tary Tribunes with Consular authority might
 “ be elected out of the People. That Plebei-
 “ ans, generally esteemed for the services they
 “ had rendered the State both in peace and war,
 “ had offered themselves as candidates for that
 “ dignity. That in the first years, they had
 “ been shamefully rejected, and made to serve
 “ only

(a) *Eo impendi laborem homines, si magna conatis
 ac periculum unde emolu- magna præmia proponantur.
 mentum atque honos spere- Liv.
 tur. Nihil non aggressuros*

A.R. 331. “ only for the laughter of the Patricians; that
 Ant. C. “ they had since ceased to produce themselves
 421. “ on the like occasion, to avoid being made a
 “ fight, and experiencing so sensible an af-
 “ front. That they saw no reason why they
 “ did not entirely abolish a law, that gave a
 “ Right, of which they were never to make
 “ use. That, whatever injustice there might
 “ be in such a proceeding, it would be less
 “ shameful for them not to be admitted into an
 “ office from which they were excluded by
 “ law, than to exclude themselves as unworthy
 “ of it.”

This kind of harangues were heard with pleasure, and received with applauses. They induced some Plebeians to offer themselves as candidates for the office of Military Tribune, promising the People, that during their administration they would pass laws in favour of their interests; as, for distributing the lands belonging to the public, establishing new colonies for the relief of the citizens, and imposing a fixed tax upon the proprietors of lands for the payment of the armies. The Military Tribunes actually in office, were not ignorant of all that passed amongst the People. They took the advantage of a season when few of the magistrates were at Rome; and having clandestinely given the Senators advice to repair thither at a certain day, the Senate, in the absence of the Tribunes of the People, decreed, that, as there was advice, that the Volsci had taken the field to ravage the country of the Hernici, the military Tribunes should set out immediately to inform themselves upon the spot concerning the fact, and that in the mean time the assembly for the election of Consuls should be held. They left the colleague to govern Rome upon
 whose

whose tenaciousness they could most rely : this A.R. 331.
Ant. C.
421. was Appius Claudius, the son of the Decemvir, a young magistrate of great fire and audacity, and who had imbibed from his cradle an hatred for the People and their Tribunes. He immediately summoned the assembly, and Consuls were chosen. The Tribunes of the People were surprized and confounded at their return, and were incapable of acting any thing either with respect to those who had passed the decree and were absent, or Appius, the affair being intirely over and compleated.

I do not know whether it was consistent for so grave and venerable a body as the Senate, to employ such little arts, as it did upon this occasion for the election of Consuls. I find something much more noble in the conduct of the People, and cannot sufficiently admire it. Animated by their Tribunes, they had made the utmost efforts, and proceeded to the last extremities, for being admitted to share in the Consulship. All is in a flame, and there is no danger that is not to be feared, so enraged do the populace appear, and so ready to commit the greatest violences. The Senate give way, and grant the Plebeians what they demand, changing only the name. The People immediately chuse three Military Tribunes with Consular authority, and not one of them Plebeians. What then is become of this fury of the People, ready to subvert all things ? Like those violent and momentary storms that leave no traces behind them, it changes immediately into a wisdom and moderation, which have no example. It would perhaps seem less wonderful, that the People, charmed with the condescension of the Senate, in the first moments and transport of their joy, should pique themselves upon not

I

giving

A.R. 331. giving place to that august Body, and upon
 Ant. C. nobly renouncing their own interests. But, not-
 421. withstanding the warm and continual sollicita-
 tion of the Tribunes, to persist in the same sen-
 timents during so many years, for twenty are
 already past since the institution of Military
 Tribunes, and as many more will pass without
 any Plebeians being admitted into that office ;
 this is what seems to me above all praise.
 There is reason to believe that the People
 thought and acted in this manner out of esteem
 for the wisdom and conduct of the Senators, in
 whose hands they deemed the authority of the
 government better lodged than in those of the
 Plebeians. An expression in the harangue of
 the Tribunes which I have repeated above seems
 to insinuate this. They reproach the People,
 that their blind and stupid admiration of the Se-
 nators makes them condemn themselves to eter-
 nal slavery, *quod admiratione eorum quos odissent*
stupens, in eterno seipsa servitio tenerent. This
 then, according to the Tribunes, is the People's
 reason for not being willing hitherto to admit
 Plebeians into the first dignities of the state.
 Could any thing do them greater honour ?

A.R. 332. C. SEMPRONIUS ATRATINUS.

Ant. C. Q. FABIVS VIBULANUS.

420. There happened this year a thing not imme-
 diately affecting Rome, but which merits a
 place here, because the city to which it relates
 will have a great part hereafter in the Roman
 history. The Samnites had long made war
 with the Hetrurians, most probably upon ac-
 count of a city called at that time Vulturnum,
 in the dependance of the latter. The Hetruri-
 ans, weary of the length and expences of the
 war, consented at length that the Samnites
 should

The Sam-
 nites esta-
 blish them-
 selves at
 Capua.

Liv. l. 4.
 c. 37—42.

should send a colony into Vulturnum, and that it should be put into possession of part of the city and country adjacent. Some time after, the Samnites, taking advantage of a public solemnity, which was passed in feasting and merriment, murdered in the night all the first inhabitants, whom they found buried in wine and sleep, and became, by that horrid massacre, sole masters and possessors of the city. They changed its name, and called it Capua, from Capys their chief, or for some other reason.

The report of the extraordinary preparations for war made by the Volsci, were found to be only too true. Sempronius marched against them. He was a general of great valour, popular, and familiar with the soldiers, by whom he was adored; but he was more a soldier himself than a great captain, and made war as if valour alone sufficed for discharging all the duties of a commander in chief. As he led a victorious army against a conquered enemy, he took none of those precautions, which may be considered as certain pledges of good success. He formed no body of reserve, disposed his horse very ill, and acted in every thing with the utmost negligence, assuring himself of victory. The Volsci undeceived him. When they came to a battle, the Romans made no great resistance, and soon gave way. It was in vain for the Consul to employ exhortations or reproaches. When fear has once seized the soldier, he sees and hears the example and orders of his general no longer. The Romans hearkened to nothing, and the whole army was upon the point of being routed, when a simple *Decurio*

A.R. 332.
Ant. C.
420.

Unfortunate campaign of Sempronius against the Volsci.

* The horse of each legion was divided into Decuriæ, consisting of ten men. The officer who commanded one, was called Decurio.

A.R. 332. *curio* of the horse, called Tempanius, prevented
 A.L.C. a total defeat. That brave man, seeing all give
 420. way, and that the cavalry, which the Consul had
 Great left in a place where the ways were so broken
 action of that it could not act, cried out with a loud voice
 Tempani- to the horse to dismount, if they would save the
 us, which commonwealth. The horse obeyed to a man,
 saves the as if the Consul himself had given that order,
 army. *If we do not stop the enemy, said he, the Roman
 power is no more. Follow my lance instead of an
 ensign, and shew both the Romans and Volsci, that
 on foot as well as on horseback nothing is able to re-
 sist you.* All raised a great cry to express their
 approbation; and he advanced at the head of
 them with his lance raised. They charged
 where the Romans were most pressed. Where-
 ever they appeared, they re-instated the battle,
 and if their number had admitted them to shew
 themselves every where, they would undoubtedly
 have obliged the enemy to fly. As their im-
 petuosity could not be sustained, the general of
 the Volsci ordered his troops to open them a
 way where they attacked, till that new battalion
 being too far advanced, should be separated
 from the rest of the army. This happened ac-
 cordingly, and is a very usual fault with victo-
 rious troops. Those brave soldiers could not
 return the same way they had entered, the ene-
 my having closed and strengthened their line
 extremely in that part of it, to prevent them
 from getting back. The Consul and Roman
 legions having lost sight of the battalion in
 which their whole force consisted, and appre-
 hending, that those generous troops would be
 overpowered by the enemy, made the utmost
 efforts to find and rejoin it. The Volsci, on
 one side, strongly repulsed the Consul and legi-
 ons,

ons, and on the other charged Tempanius and his soldiers with vigour. The latter, after having made many attempts, but always ineffectually, to break through the enemy, and return to the grofs of their own army, seized an eminence, where they drew up in an orb, and defended themselves with a courage, that cost the Volsci abundance of blood. Only the night put an end to the battle. The Consul, on his side, continued to sustain and repel the enemy, as long as any light remained; when both sides drew off, without knowing which had gained the victory. The terror was so great in both armies, that each believing themselves defeated, left their wounded men with a great part of their baggage in their camp, and retired to the neighbouring mountains. The Volsci however surrounded the eminence till midnight, when being informed that their camp was abandoned, and believing their army defeated, they went off as they could.

Tempanius, who did not doubt but he should be attacked as soon as it was light, was very much surprized at day-break to see neither friends nor enemies. He could not conceive what was become of the two great armies, which occupied the plain a few hours before, and went himself first to view the camp of the Volsci, and afterwards that of the Romans. He found the same solitude, and saw only some wounded men who had not been able to follow the grofs of their army, in both. From thence he went immediately to the field of battle, where nothing presented themselves to his view but dead and dying men, and the dreadful scene usual the next day after a battle. He then carried off with him as many of the wounded as he could,

A.R. 332. could, and not knowing what route the Con-
 Ant. C. sul had taken, marched by the shortest way for
 420. Rome.

The news of this unfortunate battle, and of the camp's being abandoned, had already spread there, and occasioned a general consternation in every family. The loss of the cavalry was particularly deplored. who were believed to have been entirely cut to pieces. The Consul Fabius, to prevent surprize, had posted troops at the gates. A body of armed men perceived at a great distance, gave the city new terror, and it was feared that they were the enemy. That fear soon changed into inconceivable gladness, when it was discovered that these troops were the horse, who were believed dead. Nothing was heard throughout the city but acclamations of joy. Their mothers and wives, quite out of their senses, and forgetting the decency of their sex, ran to meet them, and with faces bathed in tears, tenderly embraced their children and husbands, whom they saw again contrary to all expectation.

*Hampani-
 us's wife
 answer to
 the Tri-
 bunes of
 the People.*

The Tribunes of the People expressed their virulence against the Patricians at a very wrong time on this occasion. They had cited M. Postumius and T. Quintius before the People, on account of the battle of Veii, lost by their fault four or five years before. The present seemed a favourable occasion for reviving that affair. Having summoned the assembly, they represented with abundance of warmth and vivacity, that the fault of the two generals at Veii having remained unpunished, had made way for what had happened against the Volsci, where the Consul had betrayed his army, abandoned the bravest of the cavalry to be cut to pieces, and shamefully deserted his camp. One of the Tribunes,

bunes, called C. * Villius, caused the Knight A. R. 332.
 Tempanius to be cited, and interrogated him Ant. C.
 juridically before the whole assembly in these 420.

terms. “ *Tempanius, I ask you, whether you*
believe that the Consul Sempronius gave battle
at a proper time, whether he posted a body of
reserve for the security of the army, and whe-
ther he discharged any of the duties of a good
Consul? I ask you again, when you saw the
legions routed, whether you did not, of your own
accord, make the horse dismount, and reinstate
the battle? Whether, when you and your fol-
lowers were separated from the rest of the ar-
my, the Consul aided you in person, or sent you
any aid? Whether you were joined by any re-
inforcement the next day? Whether you and your
troops did not penetrate to our camp in effect of
your own courage? Whether you found the Con-
sul or the army there? or whether you did not
find it abandoned by all, except the sick and
wounded, that had been left in it? As you are
a man of truth, and one by whose valour alone
our army was preserved, you are to answer to
all these heads faithfully, and without disgui-
sing any thing; and also to tell me, where
Sempronius and the legions are? Whether you
abandoned the Consul, or the Consul you? And
lastly, whether we gained the victory, or were
defeated?”

The affair was delicate and perplexing to a soldier, who was unwilling either to depart from truth, or accuse his general. (a) The answer of Tem-

* He is called C. Julius in the text. The Julii were Patricians, and consequently could not be Tribunes of the People. Sigonius conjectures with much probability on his side, that C. Villius should be read here.

(a) Adversus hæc Tempanii oratio incompta fuisse dicitur, cæterum militariter gravis, non suis vana laudibus, non crimine alieno læta. Liv.

A. R. 332. Tempanius was simple and soldierly, that is to
Ant. C. say, without ornament, but full of good sense
420. and dignity; and he equally avoided setting
himself off, and accusing or lessening others.
It was, “ That it did not become a soldier to
“ pass his judgment upon the military abilities
“ of his general: that the People should have
“ made that enquiry, when they elected him
“ Consul. That therefore he should not be
“ asked what he thought of the plan and de-
“ signs of Sempronius as to the operations of
“ the war, upon which he conceived the most
“ expert in the art military might find it diffi-
“ cult to answer. That as to him, he could
“ only speak what he saw, which was, That
“ before he was separated from the gross of the
“ army, he saw the Consul fighting at the head
“ of the troops, exhorting them, and repairing
“ in person wherever the danger was greatest:
“ that afterwards himself and his followers lost
“ sight of him. That however, by the noise
“ and cries which he heard, he judged that the
“ battle had been continued till night; and
“ that the numbers of the enemy had prevent-
“ ed the Consul from penetrating to the emi-
“ nence he had seized. That he did not know
“ where the army was; but conjectured, that
“ as himself and his followers had taken the
“ advantage of an eminence for their defence,
“ the Consul had sought a proper place to en-
“ camp, for the better security of himself and
“ his army. That he believed the troops of
“ the Volsci were in no better condition than
“ those of the Romans: and that the night had
“ equally prevented the two armies from
“ knowing how to act, or what was become of
“ each other.” For the rest, he desired they
would favour him so far as not to detain him
any

any longer, being in great need of rest after his A. R. 332. fatigues, and to get his wounds drest. And in- Ant. C. deed, the Tribune was very unreasonable, to 420. stop, as he did, a soldier so much fatigued as Tempanius must have been, for the sake of interrogations so little necessary and so absurd. He returned home with the highest praises and applauses of the whole People, who admired the wisdom and moderation of his answer still more than the valour and good conduct, with which he had so lately fought the enemies of his country.

But the Tribunes continued their proceedings against the two commanders they had cited before the People. As the multitude were highly afflicted with what had happened against the Volsci, and very much dissatisfied with their generals, Postumius was condemned in a fine: but as for Quintius, his great actions since the unfortunate battle of Veii, and the regard of the People for his father Cincinnatus, and his (1) grandfather Q. Capitolinus, spared him that affront, and he was acquitted.

The People amongst the rest of the Tribunes nominated Sex. Tempanius, A. Sellius, L. Antistius, and Sex. Pompilius, though absent. The three last were the principal persons of the Knights, who had followed Tempanius in the generous action we have just related. This

P 2

shews

(1) Quintius Capitolinus *tha* having so short a time to mentioned here survived Cinc- live, they would not suffer him cinnatus, who was Dictator to carry the sad news of their after fourscore: from whence, severity to Cincinnatus: ex- and what he says above in actæ jam ætatis Capitolinus Cæso Quintius's trial, Capito- Quintius, suppliciter orans, linus should rather have been ne se brevi reliquo vitæ spa- the uncle than grandfather both tio tam tristem nuncium ferre of this Consul and Cæso. Livy ad Cincinnatum paterentur. says, he implored the People, Liv. l. 4. c. 41.

A. R. 332. shews that the People are sensible to merit, and
Ant C. are not slow in rewarding it. The valour alone
420. of those four noble soldiers had made interest
for them in their absence.

The Consulship having given great disgust
this year, Military Tribunes were elected for
the next.

A. R. 333.
Ant. C.
419.

L. MANLIUS CAPITOLINUS, &c.

The beginning of this year, L. Hortensius, Tribune of the People, cited Sempronius the Consul of the last year to take his trial. His four colleagues mentioned above desired him not to proceed with rigour against their general, who could be reproached with nothing but his ill fortune. As the Tribune seemed averse to complying with their request, they declared, that if he persisted in his resolution, they would change habits with the accused, present themselves to the People as suppliants, and implore their pity for a general, who had always treated them with great goodness, and whom they looked upon as their father. Hortensius could hold out no longer against such moving and noble sentiments. The Roman People, said he, shall not see their Tribunes in the garb of suppliants and criminals. *I desist from proceeding against Sempronius, as he has known how, during his command, to make his soldiers love him so well.* And indeed, that is an exceedingly great merit, and a glory to which generals cannot too much aspire. (a) The People and Senate equally admired both the warm gratitude of the four Tribunes, and the facility with which Hortensius complied with such just intreaties.

S E C T.

(a) Nec pietas quatuor preces ingenium, pariter
Tribunorum, quam Horten- Plebi Patribusque gravior
sui tam placabile ad justas fuit. Liv.

S E C T. IV.

Two new Quæstors for the army are instituted, which officers are still chosen out of the Patricians. Functions of the Quæstors. Sempronius is fined. A Vestal virgin accused and acquitted. Conspiracy of the slaves stifled in its birth. Misunderstanding of the generals followed with their defeat, which is retrieved by the Dictator. Postumius, one of the Military Tribunes, is stoned by his army. Punishment of that murder. Various divisions and wars. The Plebeians attain the Quæstorship. War against the Volsci. New troubles in the commonwealth. Pay of the Roman infantry first instituted. Siege of Veii begun.

NUMERIUS FABIVS VIBULANVS.

T. QVINTIVS CAPITOLINVS.

A. R. 334.

Ant. C.

418.

Nothing considerable passed without doors during this Consulship; but there was abundance of agitation within, and it is easy to judge that the Tribunes were at the bottom of it.

Till then there had been only two Quæstors, whose functions were confined to the city, and who had always been elected out of the body of the Patricians. The Consuls proposed the creation of two more, to follow the Consuls and generals to the field, and whose province should extend solely to war. The Tribunes did not reject this proposal, but they demanded, that part of the Quæstors should be elected out of the Plebeians. The Senate, after great disputes, consented, that the same should take place in respect to the Quæstors as to the Military Tri-

A. R. 334.
Ant. C.
418.

bunes, and that the People should be at liberty to chuse them indifferently out of the Patricians or Plebeians. But this condescension, though it cost the Senate much reluctance, did not satisfy the Tribunes. Instructed by what happened in the election of Military Tribunes, they insisted upon its being decreed, that the Quæstors should be absolutely chosen half Patricians and half Plebeians. The Senate, the more easily to terminate this affair, desired exceedingly to proceed to the election of Consuls: for the time was arrived. It was necessary for them to pass a decree for that purpose, which the Tribunes opposed.

The Consuls having quitted their office, an *interregnum* ensued, which continued a considerable time, through the new difficulties which were started every day, and urged very warmly on both sides. At length, on the remonstrances of L. Papirius Mugillanus, who had been appointed *Inter-rex* after several others, an accommodation was concluded, in which each side seemed to abate something of their pretensions. Its purport was, that the Senate should suffer Military Tribunes to be nominated in the room of Consuls; and that the Tribunes of the People should not oppose the election of Quæstors indifferently out of the two orders.

They began by chusing Military Tribunes. They were all Patricians.

L. QUINTIUS CINCINNATUS, III.

SEX. FURIUS MEDULLINUS, II.

M. MANLIUS.

A. SEMPRONIUS ATRATINUS.

A.R. 335.

Ant. C.

417.

The election of Quæstors came on next. Sempronius presided in the assembly held for that purpose. Amongst several Plebeians, who were candidates for that office, were the son of Antistius, and a brother of Pompilius, both Tribunes of the People. Their credit was great; strong interest was made; and they omitted nothing that might acquire them the honour of being the first to introduce the Quæstorship into the Plebeian order, the one in favour of his son, and the other of his brother. Their endeavours were however abortive, and the People could not help preferring the nobility, whose fathers and grandfathers they had seen discharge the functions of the Consulship with dignity and splendor.

The Tribunes in effect were in the highest fury, especially those whom that disgraceful disappointment personally affected. They said, “That they could not conceive how the People could be so insensible to the services they had done them, the ill treatment they had received from the Senators, the earnest request of two of their Tribunes in behalf of a son and a brother, and the pleasure of possessing a new dignity that offered itself to them, as to be able to persevere tenaciously in refusing to reward any Plebeian, not only with the office of Military Tribunes, but now with the Quæstorship.” They cried out that there must infallibly have been some fraud in reporting the suffrages, and that Sempronius,

A.R. 335. who had taken them, ought to be called to an
 Ant. C. account. But as he was a person of distinguish-
 417. ed probity, whom his innocence and the dig-
 Sempronius nity of his office placed out of their reach, they
 faced. turned their whole indignation against his kinf-
 man C. Sempronius. They revived the affair of
 the last battle, and cited him to take his trial
 before the People. Notwithstanding all the
 endeavours used by the Senators in his favour,
 they could not prevent him from being con-
 demned in a fine.

*Summary description of the functions of the Quæ-
 storship.*

Quæstor is properly what we call treasurer. It is derived (a) from a Latin word that signifies *to enquire*, because to enquire into the public revenues, and sometimes into criminal affairs, was confided to the care of the Quæstors.

Only two were created at first, whose functions did not extend beyond the city. Authors do not agree concerning the time of their institution. The most common opinion places it in the reign of Tullus Hostilius, or in the Consulship of Valerius Publicola, the first year after the expulsion of the Tarquins. There were two Quæstors annually chosen, and of the Patrician order.

Liv. 1. 4. It was the Quæstors, who prosecuted Sp.
 c. 41. Cassius before the People, (Livy mentions
 l. 1. 5. Quæstors for the first time in that passage) and
 c. 24. 25. who also accused M. Volscius.
 Liv. 1. 4.

c. 45. The two Quæstors of the city, who till then
 had been chosen by the Kings, according to
 those who ascribe the institution of them to
 Tullus

(a) Quæstores à quærendo publicas pecunias, & maledici sunt, qui conquirent cia. Varr. l. 4. de ling. Lat.

Tullus Hostilius, and afterwards by the Consuls; two others were added to serve abroad and in the armies the 334th year of Rome. The People prevail'd to have it ordained, that for the future the Quæstors might be chosen indifferently out of the Plebeians and Patricians.

A.R. 335.
Ant. C.
417.

The Quæstors of the city had the keeping of the public treasury, called *Ærarium*, which was in the temple of Saturn. They deposited there the sums paid into their hands by the tax-farmers of the Roman People, those which were raised by the sale of spoils taken from the enemy, and all the public revenues in general. They kept an exact register of receipts and disbursements, and delivered no sum without the order of the Consuls or the Senate. When the army was upon the point of taking the field, they took the ensigns out of the public treasury where they were kept, and caused them to be carried to the Consul. The commonwealth also charged them with the care of lodging Ambassadors, of supplying them with all necessaries, and giving them the presents ordered by the Senate at their departure.

The Quæstors for the service abroad were created, as we have said before, for the (a) occasions of war. They had the keeping of the military chest, and accompanied the Consuls and generals in the army, in order to take an account, and to sell the spoils of the enemy, and especially to provide what was necessary for the subsistence of the army.

There were only two of these at first: but their number was augmented in proportion to the conquests of the Roman people. One was sent

(a) Ut præter duos urbanos Quæstores, duo Consulibus ad ministeria belli præstò essent. Liv. l. 4. c. 43.

A.R. 355. sent into each province with the Prætor, except
 Ann. C. Sicily which had two, because it was divided
 417. into two parts : the one resided at Lilybæum,
 and the other at Syracuse. Besides the milita-
 ry chest, of which they had the keeping, those
 who formed the revenues of the Roman People,
 paid the sums collected from the provinces into
 their hands, which they returned to Rome, in
 order to their being deposited in the public trea-
 sury. Sometimes, in the absence of the Præ-
 tor, the care of administering justice, and even
 commanding the army, was confided to them.

The Questors drew lots for their different
 provinces, whether in the city, in Italy, or else-
 where.

The Questorship was not one of the great of-
 fices of the State, but (a) the first step to them.
 It was not usually conferred till after ten years
 service, that is to say, at about the age of twen-
 ty seven.

I cannot conclude this little digression upon
 the Quæstorship better, in my opinion, than
 with a fine passage of Cicero, wherein he re-
 peats the disposition, with which he entered in-
 to that office. After (b) having called the gods
 to witness the sincerity of what he is going to
 say :

(a) Quæstura primus gradus
 honoris. 2 *Verr.* n. 11.

(b) O dii immortales—
 ita mihi meam voluntatem
 spemque reliquæ vitæ vestra
 populique Romani existima-
 tio comprobet, ut ego, quos
 adhuc mihi magistratus po-
 pulus Romanus mandavit,
 sic eos accepi, ut me omni-
 um officiorum obstringi reli-
 gione arbitrarer. Ita quæstor
 sum factus, ut mihi honorem
 illum non tam datum quam

creditum ac commissum pu-
 tarem. Sic obtinui quæstu-
 ram in provincia, ut omnium
 oculos in me unum coniectos
 arbitrarer : ut me quæsturam-
 que meam quasi in aliquo or-
 bis terræ theatro versari ex-
 istimarem ; ut omnia semper,
 quæ jucunda videntur esse,
 non modo his extraordinariis
 cupiditatibus, sed etiam ipsi
 naturæ ac necessitati denega-
 rem. *Verr.* 7. n. 35.

say : “ In all the employments, says he, with
 “ which the Roman People have hitherto ho-
 “ noured me, I have thought myself obliged
 “ by the most sacred ties of religion to dis-
 “ charge the duties of them worthily. When
 “ I was first made Questor, I considered that
 “ dignity, not as a gift bestowed on me, but
 “ as a deposit confided to my vigilance and
 “ fidelity. When I was afterwards sent in the
 “ same office into Sicily, I imagined that all
 “ eyes were fixed upon me alone, and that my-
 “ self and office were in a manner exhibited
 “ upon some great theatre to the sight of all na-
 “ tions. With this thought I denied myself
 “ not only all pleasures, that induce strong pas-
 “ sions, but even those which are most allow-
 “ able and even necessary.” It were to be
 wished that all magistrates entered upon office
 with the same dispositions.

A. R. 355.
 Ant. C.
 417.

The same year that the number of Questors
 was augmented, Postumia, one of the Vestals,
 was accused of having violated her vow of cha-
 stity. (a) A too great care in adorning her
 person, and a behaviour too free for a sacred
 virgin, had occasioned her being suspected of
 that crime, not without some foundation. She
 defended her cause, and justified herself. At
 first a farther examination was decreed : and
 then, after she had been declared innocent, the
 Great

*Vestal ac-
 cused, and
 acquitted.*

(a) Postumia, virgo Vestalis, de incestu causam dixit, crimine innoxia ; * ob suspicionem propter cultum amœnorem, ingeniumque liberius quam virginem decet, parum abhorrens famam † Ampliatam, deinde absolutam pro collegii sententia, Pontifex maximus abstinere jocos, colique sanctè potius quam scitè jussit. Liv.

* Ob suspicionem &c. This Latinity is suspected by Gronovius. He reads : ab suspicione——parum abhorrens. Eam, &c.

† Ampliat. By Ampliation : a term used when it was decreed by the judges, that the process should be begun again, that is to say, that the cause should be tried a second or third time.

A.R. 335. Great Pontiff admonished, her to behave with
 Ant. C. more prudence and less gaiety for the future ;
 417. and to have more regard to modesty, than taste
 and elegance, in her dress.

The people of Capua about this time made
 themselves masters of the city of Cumæ, which
 had been possessed till then by the Greeks.

A.R. 336.

Ant. C.

416.

*Conspiracy
 of the
 slaves si-
 fied in its
 birth.*

AGR. MENENIUS LANATUS, &c.

The slaves formed a conspiracy to set the ci-
 ty on fire in several parts, in order to seize the
 Capitol, whilst the People were employed in
 extinguishing it. Jupiter, says Livy, frustrated
 the effect of so criminal a design : for the Ro-
 mans referred every thing to the Divinity.
 Two of the slaves discovered the conspiracy.
 They were rewarded with their liberty, and a
 considerable sum of money for those times ;
 and the most criminal were punished.

A.R. 337.

Ant. C.

415.

L. SERGIUS FIDENAS.

M. PAPIRIUS MUGILLANUS.

C. SERVILIUS.

*Misunder-
 standing of
 the Gene-
 rals fol-
 lowed
 with their
 defeat,
 which is
 retrieved
 by the Dic-
 tator.*

The war with the Æqui was in a manner be-
 come annual. The People of Lavicum had
 joined them. The Senate decreed that two of
 the Consular Tribunes should march against the
 enemy, and that the third should remain in the
 city to govern it. These functions were to be
 decided by lot. None of them were willing to
 have the latter province, as least honourable ;
 and each believed himself the most capable of
 commanding the troops. As none of them
 would give place to the others, Q. Servilius,
 father of one of them, rose up, and said : *Since
 you have no respect either for the Senate or the
 Commonwealth, paternal authority shall put an
 end*

end to the dispute, My son, without drawing lots, shall take upon him the care of the city. I wish that those, who are so fond of the command of the army, may act with all the prudence and union necessary to its success. A.R. 337.
Ant. C.
415.

This discourse shews how far the power of fathers extended over their children, even when supreme magistrates, and how much it was respected at Rome. It was not thought proper to levy the army out all the Tribes: ten of them only were drawn by lot, of which the youth were listed. After which the two Tribunes set out.

The misunderstanding, which had already began to appear between them in the city, broke out much more in the camp, and always flowed from the same principles, the high esteem that each of them had for his own capacity, and the desire of commanding alone. They never agreed in opinion, and each insisted inflexibly upon his own. Each was for having no counsels followed, and no orders executed, but his own. The only point they did not differ in, was to have a supreme contempt for each other. Their dissension ran so high, that the Lieutenant Generals were obliged to remonstrate to them, that affairs could not subsist upon the present foot; and they prevailed upon them to divide their authority, and command each his day alternately.

When this news came to Rome, Servilius, whose experience was very great in effect of his years and employments, implored the gods, that they would not suffer the discord of the Tribunes to prove fatal to the Commonwealth; and foreseeing, that some great calamity was at hand, he pressed his son to make the levies, in order

A.R. 337. der to be ready to take the field on the first
Ant. C. notice.

415.

He was not mistaken. Sergius, on one of the days that he commanded, seeing the enemy kept close within their intrenchments, believed it was through fear, and advanced to their camp, in hopes of making himself master of it. He was no sooner arrived at it, than the enemy marched out of it suddenly, attacked the Romans with all their forces, and pursued them into the valley down the ascent with great slaughter. The Romans found it very difficult to defend their camp for that day only : but the next, when they saw the Æqui investing them on several sides, they shamefully abandoned it. The Generals with their Lieutenants, and their best troops, who did not quit their ensigns, retired to Tusculum. The rest dispersed themselves about the country, and by different ways arrived at Rome, where they represented the defeat much greater than it really was.

The alarm was the less at Rome, as it was in some measure expected, and because the military Tribune Servilius had prepared new forces. Couriers, who had been dispatched to inform themselves of the condition of the army, brought advice that the Generals and troops were at Tusculum, and that the enemy still continued in their old camp. But what revived the people's courage most, was the nomination of Servilius Priscus Dictator by order of the Senate. He appointed his Son, one of the military Tribunes, his General of the horse, by whom himself had been declared Dictator. Others however say that Ahala Servilius was chosen General of the horse upon this occasion.

The Dictator set out with the new army, and having reinforced it with that at Tusculum, he

he encamped at two miles from the enemy. A.R. 337.
 The neglect and insolence, which had before Ant. C.
 appeared in the Roman Generals, went over to 415.
 the Æqui with their good success. The Dictator, after having sent his horse in the beginning of the battle to charge the enemy's front, which soon put them into disorder, advanced with the Legions ; and finding a standard-bearer slacken his pace, he killed him with his own hands. The ardour of the Roman troops was so great, that the Æqui could not sustain their attack, and fled to their camp, the taking of which cost still less time and trouble than the battle, though very short. The Dictator gave the whole plunder of it to the troops. The horse, who had pursued the enemy in their flight, having brought back advice, that all the people of Lavicum, and great part of the Æqui, had retired into that city, the army marched thither the next day. The place was taken by assault, and plundered by the soldiers.

The Dictator marched back his victorious army to Rome, and abdicated his office eight days after he had received it. The Senate, before the Tribunes had time to speak of the distribution of the lands, very judiciously decreed that a colony should be sent to (1) Lavicum. Fifteen hundred citizens went thither, to whom two acres a man were given.

A. MENENIUS LANATUS II. &c.

A.R. 338.
 Ant. C.
 414.

A. SEMPRONIUS ATRATINUS III. &c.

A.R. 339.
 Ant. C.

During these two years every thing was quiet. 413.
 Mæcilius and Metilius, two Tribunes of the People, *Disputes concerning the distribution of*

(1) Lavicum, or Labicum, *the Latines, about fifteen miles* *lands,*
was a city in the country of *from Rome.*

A R. 339.
Ant. C.
413.

People, excited some commotions by proposing a law for the distribution of the lands belonging to the public: this was the usual bait with which the most seditious of the Tribunes lured the People. Whenever they were for distressing the Senate, and extorting some new privilege from them, they never failed to revive this old pretension. The Abbe Vertot gives us a very clear account of the grounds and causes of these divisions, which recur so often in the Roman History, and of the unsurmountable difficulties with which a distribution of lands was attended: I shall do no more than copy him in this place.

Rome, built upon the lands of strangers, and originally dependent upon the city of Alba, had little or no territory, that it had not conquered sword in hand. The Patricians, and those who had the greatest share in the government, had taken some districts of it into their own hands, subject to a certain taxation or *census*, and at a rent; they afterwards appropriated such parts of it as suited them best to themselves, and formed them into a kind of patrimony. Long prescription had covered these usurpations, and made it very difficult to trace the ancient boundaries that separated what belonged to the public, from what had been granted to each particular.

The Tribunes however pretended to dispossess the ancient proprietors of these lands, who had even erected buildings upon them. So odious an enquiry put the principal Houses of the Commonwealth into a consternation. The Senate often assembled to concert measures for rendering such dangerous proposals abortive. Appius Claudius, though the youngest and last of the Senators, proposed advice upon this occasion, which was not disagreeable to his order.

He

He said, “ that the means for opposing the ty- A.R. 339.
 “ ranny of the Tribunes was to be sought only Ant. C.
 “ amongst themselves. That in order to this, 413.
 “ they had no more to do than to bring over
 “ only one of those Plebeian Magistrates, to
 “ prevent the bad designs of his colleagues by
 “ his opposition. That the last and least po-
 “ pular in that office were the persons to be ap-
 “ plied to. That those men who were now in
 “ the public affairs, and jealous of the autho-
 “ rity, which Mæcilius and Metilius assumed,
 “ would not be insensible to the careſſes of the
 “ Senate; and perhaps would lend them their
 “ opposition, merely for the ſake of appearing
 “ conſiderable, and of making ſome figure in
 “ the government.”

This advice was unaniouſly approved, and Appius was highly praiſed for not degenerating from the virtue of his anceſtors. Such of the Senators as had any intimacy with the Tribunes of the People, inſinuated themſelves into their confidence, and “ repreſented to them the con-
 “ fuſion into which they would plunge the State
 “ in general, and every family in particular, if
 “ an endleſs diſquiſition were to be entered into,
 “ in order to eſtabliſh which, lands were granted
 “ by Romulus, which were acquired from the
 “ neighbours during the ſpace of three hundred
 “ years, and which particulars had appropriated
 “ in different ages. That the ſcheme of a law
 “ for eſtabliſhing a perfect equality of fortune
 “ between all the citizens, would ſubvert the
 “ ſubordination ſo eſſential in a ſtate; that
 “ the rich, whether Patricians or Plebeians,
 “ would not ſuffer themſelves to be deprived
 “ ſo eaſily of the eſtates they had either inhe-
 “ rited from their anceſtors, or actually pur-
 “ chaſed from legal poſſeſſors; and that ſo in-

A.R. 339. "jurious an enquiry would infallibly occasion
Ant. C. "a civil war, and perhaps cost the best blood
413. "in the Commonwealth." At length, between

entreaties and remonstrances, they were so successful as to bring over six of the ten Tribunes; and they opposed the promulgation of the law.

Mæcilius and his colleague, enraged to see themselves opposed at their own tribunal and by their own colleagues, treated the six as traitors, enemies to the People, and slaves to the Senate. But notwithstanding those injurious appellatives, as the opposition of only one Tribune sufficed for putting a stop to the proceedings of the nine others, and six opposed the passing of this law, Mæcilius and his colleague were obliged to desist from their enterprize.

A.R. 340. P. CORNELIUS CASSUS, &c.
Ant. C.

412. CN. CORNELIUS CASSUS, &c.
A.R. 341.
Ant. C.

411. M. Postumius Regillensis, one of the Military Tribunes, took a small city called (1) Volæ. That General had a capacity for war, but was cruel, haughty, proud of his birth and dignity, and carried those advantages too far in a Commonwealth, where all the citizens pretended to be equals. He had declared in attacking the place that the soldiers should have the spoils of it; but when it was taken he changed his mind. This breach of his word had given birth to great disgust against him.

Postumius, one of the Military Tribunes, is fioned by the army. Punishment of that crime.
Liv. l. 4. c. 40—51.

His colleagues having sent for him to the city upon account of commotions excited by the Tribunes of the People, of whom one, called

(1) Or Bola, upon the frontier of the country of the Æqui, about sixteen miles from Rome.

Sextius, proposed in his presence the sending of A.R. 341.
 a colony to Volæ, adding, that it was but just ^{Ant. C.}
 to grant that city and its dependencies to those ^{411.}
 who had acquired it by their arms; he answered brutally, *Wo be to my soldiers, if they insist on any such thing.* Those words shocked the whole assembly exceedingly, and the Senate afterwards, when they were told it. Sextius, who was a man of spirit, and did not want eloquence, was very glad to find in the adverse party a man of a proud heart and a petulant tongue, whom it was easy to provoke and enrage into venting violent and rash expressions, capable not only of rendering his person odious, but of doing great prejudice to his cause and party. Accordingly he attacked him more frequently and with greater warmth than any of the other Military Tribunes. Immediately after his menacing words, which I have just mentioned, *Do you hear, Romans, said Sextius, the menaces Postumius makes his soldiers, as if they were slaves? However, when the first offices of the State are to be disposed of, this wild beast is more worthy of them in your judgment, than those who are solicitous for sending you into fertile colonies, for procuring you easy establishments in your old age, and who every day sustain rude conflicts for you with such proud and insolent adversaries. And can you be surprized after this, that so few take the defence of your interests upon themselves? What reward might they expect for doing so? Are they the offices which you chuse rather to confer upon your adversaries than defenders? The words you just now heard him say, made you give a groan. But wherefore these groans? Were you this moment to give your suffrages, you would prefer this man, who presumes to menace you, to those*

A.R. 341. *those who are for procuring lands, dwellings, and*
 Ant. C. *establishments for you.*
 411.

The report of this injurious expression having spread in the camp, it occasioned much greater indignation there. *How!* said the soldiers, *not content with depriving us, contrary to his promise, of the spoils that were our due, does he dare to threaten us also?* As the complaints and murmurs rose high, the Quæstor Sestius, to appease the sedition, believed it necessary to employ the same violent methods as had given occasion for them. He sent a Licitor to seize a soldier who was exclaiming highly. Immediately a great tumult ensued. The Licitor was repulsed with violence, the Quæstor himself wounded with a stone, and told as he withdrew by him that had hurt him in an insulting manner, that he was only treated as the General threatened to treat the soldiers. Postumius himself upon this news hastened to the army. A man of his rough and violent character, and hated universally by the troops besides, was a very improper person for appeasing such a commotion. Instead of endeavouring to extinguish the flame of revolt by wise moderation, he augmented it exceedingly by severe enquiries, and the cruel punishments which he inflicted. It has been said with much reason (*a*), it were to be wished, that the persons who govern a state resembled the laws, which never punish with passion and rage, but solely out of justice, and for the good of the public. As he set no bounds to his fury, and the soldiers, whom he had condemned to suffer

(*a*) Optandum est, ut ii dum non iracundia sed æqui-
 qui præsumunt reip. legum si- tate ducuntur. Cic. de Offic.
 miles sint, quæ ad punien- l. 1. c. 89.

an * unheard of punishment, raised great cries, A.R. 341.
 and made resistance, he descended from his tri- Ant. C.
 bunal, and thrust amongst the croud to prevent^{411.}
 their escaping him. The Lictors who went be-
 fore him, clearing the way with violence, the
 indignation, or rather fury, of the soldiers ran
 so high, that the Military Tribune was stoned to
 death by his army.

The news of so criminal a rebellion, and so
 tragical an event, occasioned great grief at
 Rome, and extremely embarrassed both parties.
 The question was to decree enquiries, and to
 punish the guilty, which would be attended
 with great difficulties, in effect of the opposition
 of the Tribunes. But first the choice of new
 magistrates was necessary, and the Senate pre-
 vailed, though with difficulty, that Consuls should
 be elected.

M. CORNELIUS COSSUS.

L. FURIUS MEDULLINUS.

A.R. 342.
 Ant. C.

The first thing which the Senate did at the^{410.}
 beginning of the year, was to pass a decree,
 that the Tribunes should lay the affair of the
 enquiry into the murder of Postumius before the
 People, and that the People should charge
 whom they thought fit with that commission.
 That conduct of the Senate was very wise, who,
 in seeming to do honour to the People, endea-
 voured to discharge themselves of a business
 odious in itself, and at the same time very deli-
 cate: but they did not succeed in it. The

* Livy calls it so in his *stones till he was drowned.*
first book, chap. 51, where he So he says here, *necari sub-*
tells us, that Turnus Herdoni- *crate iusserat: he had con-*
us was thrown at his length *demned them to be drowned*
into shallow water under an *under an hurdle.*
bundle, and pressed down with

A.R. 342. People referred the cognizance of that affair to the
Ant. C. two Consuls. They terminated it with all pos-
430. sible lenity and moderation; contenting them-
selves with condemning a small number of the
most criminal to die, which they prevented by
killing themselves. The People however were
not satisfied, and complained that a law for pu-
nishing Plebeians was immediately put in exe-
cution, whilst one that concerned their interests
was protracted during so many years.

*Domestic
broils.*

In the present conjuncture, the distribution of
the lands of Volæ seems to have been highly
proper for mollifying the People, and lessening
their desire of the Agrarian law, that was to
divest the Patricians of the lands belonging to
the Commonwealth, which they had unjustly
usurped. But no mention was made of it:
which gave the Plebeians occasion to complain,
that the nobility not only persisted obstinately
in retaining, contrary to all justice, the lands
of the public which they had engrossed, but
prevented the distribution of those lately taken
from the enemy, which would also soon be-
come the prey of a few rapacious and insatiable
persons.

A.R. 343.
Ant. C.

Q. FABIUS AMBUSTUS.
C. FURIUS PACILUS.

439.

Liv. l. 2.

c. 52—57

A plague, which gave more alarm than it
proved destructive, suspended the intrigues of
the Tribunes.

A.R. 344.
Ant. C.

M. PAPIRIUS ATRATINUS.
C. NAICIUS RUTILUS.

448.

The famine, which followed the plague, pro-
duced the same effect.

MAMERCUS ÆMILIUS.

A.R. 345.

C. VALERIUS POTITUS.

Ant. C.

Domestic feuds and wars abroad succeeded those two scourges, the plague and famine. The Æqui and Volsci had already entered the lands of the Latines and Hernici. The Tribune Mænius, who was for passing the Agrarian law, strongly opposed the levies, which the Consul Valerius desired to make: but, upon being abandoned by his colleagues, he was obliged to desist. The war was attended with success.

* A fort, of which the enemy had possessed themselves, was re-taken. The Consul caused the spoils to be sold for the public treasury, and deprived the soldiers of them, because they had refused to list at first, which made him very hateful, and highly augmented Mænius's credit. The latter expected, in case Military Tribunes were chosen, to share in that nomination, so much credit had he acquired with the People. The Senate apprehended it, and caused Consuls to be created.

CN. CORNELIUS COSSUS.

A.R. 346.

L. FURIUS MEDULLINUS, II.

Ant. C.

The People suffered their not having been permitted to elect Military Tribunes with great impatience: but they consoled and avenged themselves on that account in the election of Quæstors. Of the four places, they conferred but one upon the Patricians. This was a great victory for them: not that they reckoned the office of Quæstor much in itself, which indeed was not very considerable; but because the gaining of that advantage seemed to promise them the attainment of more exalted dignities. The Patricians, who judged in the same manner

A.R. 346. ner of it, were exceedingly nettled at it, fore-
 ANT. C. seeing that the People would soon divide all ho-
 406. nours with them. Their sole resource was to prevent their proceeding to the election of Military Tribunes, and to cause Consuls to be chosen, a dignity to which the people had not yet any right.

War with the Æqui and Volsci. The war with the Æqui and Volsci, which broke out again, supplied both parties with matter for warm disputes. The Consuls demanded earnestly, that the levies should be made; the Tribunes, that it should be decreed, that Military Tribunes should be chosen at the approaching election. Whilst both sides persisted obstinately in their demands, every thing remained in suspense. Amongst the Tribunes were three named Icilius, of one of the best of the Plebeian families, but declared enemies to the Patricians, all men of inflexible constancy and resolution: these managed the whole affair. Couriers arrived with advice, that the enemy had re-taken the fortrefs mentioned before, and put the garrison to the sword. The Tribunes received this news with great coldness, and without seeming affected with it, or changing their sentiments. The Senate, who were not willing to suffer every thing to be ruined, were at length obliged to comply. They passed a decree for the election of Military Tribunes, but upon two conditions: the one, that none of the Tribunes of the People in office should be chosen; and the other, that none of the same Tribunes should be continued. These restrictions evidently regarded the Icilii, whom they charged with soliciting the Military Tribuneship, as the just reward of their seditious intrigues in the Tribuneship of the People. The levies were then made without

without difficulty. The war was successful enough, but little considerable.

A.R. 346.

Ant. C.

406.

A more affecting concern engrossed people's thoughts: this was the election. The principal Plebeians, encouraged by their first victory over the Senate, flattered themselves with carrying a second still more advantageous, in their beginning at length to have a share in the great offices, and they already reckoned more than one Icilius in the number of the Military Tribunes. They were deceived. The People, contrary to the general expectation, nominated none but Patricians Military Tribunes. It is not easy to comprehend such a conduct, of which there are no examples but amongst the Roman People. They are jealous to excess of their authority. When regard is had to That, they consult nothing but the public utility: and are disarmed by being complied with. The Icilii accused the Patricians of having used stratagem and fraud in this election, by having engaged several Plebeians, not only without merit, but most of them despised for the meanness of their birth and capacity, to stand for these offices amongst such as were more worthy of them; which disgusted the People, and turned the whole in favour of the Patricians.

New troubles in the

common-wealth.

C. JULIUS, &c.

A.R. 347.

Ant. C.

405.

The report of a numerous army set on foot by the Æqui and Volsci, which was to rendezvous at Antium, alarmed Rome, and occasioned the Senate to think of creating a Dictator. Two of the Military Tribunes opposed it, as injurious to them, pretending that they had sufficient capacity for conducting and terminating this war successfully: these were Julius and Cornelius. The dispute grew hot on both sides, and

A.R. 347. and was carried so far, that the principal Sena-
 Ant. C. tors complained excessively, that the Military
 405. Tribunes refused to comply with the authority
 of the Senate, had recourse to the Tribunes of
 the People, as had been done before upon a
 like occasion. But the Tribunes of this year
 acted in a quite different manner; and though
 they were transported to see that dissention be-
 tween the military Tribunes and the Senate,
 they answered with a bitter kind of raillery,
 “ That it was below the dignity of so power-
 “ ful a body to implore the aid of wretched
 “ Plebeians, whom the nobility scarce vouch-
 “ safed to consider in the number of their fel-
 “ low-citizens. That when the honours and
 “ government of the state should become com-
 “ mon to both orders, the People should know
 “ how to make the authority of the Senate be
 “ respected, and to act in such a manner, that
 “ no magistracy should presume to contradict
 “ its decrees.” Ahala Servilius, the third of
 the Military Tribunes, seeing no end of the dis-
 putes, declared, “ That if he had been silent
 “ so long, it was not because he was uncertain
 “ how he ought to act on the present occasion.
 “ That he knew the interests of a good citizen
 “ were never separated from those of the public :
 “ but that he could have wished his colleagues
 “ would have submitted of their own accord to
 “ the Senate’s authority, rather than have suf-
 “ fered it to have recourse to that of the Tri-
 “ bunes of the People. That if affairs would
 “ admit, he would still most willingly give
 “ them time to reflect on their conduct and re-
 “ turn to their duty. But as the dangers of the
 “ war were too urgent to suffer delay, he should
 “ prefer the good of the public to the desire he
 “ had of obliging his colleagues; and if the Se-
 “ nate

“ nate persisted in their resolution, would de-^{A.R. 347.}
 “ clare a Dictator the same night. That, if^{Ant. R.}
 “ any one opposed the decree of the Senate, he^{405.}
 “ should proceed farther, and content himself
 “ with their* authority, though it had not all
 “ the usual forms.” This discourse was re-
 ceived with the general applause of the Senate.
 He nominated P. Cornelius, one of the Milita-
 ry Tribunes, Dictator, who appointed him ge-
 neral of the horse. It is probable, that the fear
 lest some division should arise between gene-
 rals of equal authority, as had happened some
 years before, induced the Senate to have recourse
 now to the Dictatorship.

They might easily have been without it.
 The war was neither long, nor attended with
 any bad events. The enemy were defeated in
 two very inconsiderable actions, and their coun-
 try was ravaged. The Dictator having termi-
 nated this war with more success than glory, re-
 turned to Rome, and abdicated his office.

The Military Tribunes proclaimed the assem-
 blies, not for creating Consuls, but Military
 Tribunes, which much offended the Senate.
 To prevent the Plebeians from being chosen,
 they employed a method quite different from
 that they had taken the year before, but with
 equal success. This was to cause the most il-
 lustrious of the Patricians to stand for that office.
 The People, out of regard for their merit and
 reputation, chose none but of their order: and
 elected four this year, who all had filled that office
 before.

* The opinion of the Senate, a decree, was however regis-
 tered amongst their proceedings,
 when prevented by different obstacles from being passed into and called auctoritas.

A.R. 348.

Ant. C.

404.

Moderati-

on of

Rome in

respect to

the Veien-

tes.

L. FURIUS MEDULLINUS, &c.

The truce for twenty years with the Veientes being expired, the Romans, upon some discontent received from them, were upon the point of declaring war against them. But upon being informed by ambassadors from Veii, that divisions and troubles prevailed between the citizens of that place, at their request they thought fit to suspend the declaration of war; so far were they, observes Livy, from taking advantage of the misfortunes of others for promoting their own interests: *tantum abfuit ut ex incommodo alieno sua occasio peteretur*. A sentiment of no less humanity than greatness of soul, and quite the reverse of the usual policy of Princes, who greedily seize these occasions as favourable to their designs.

New war

with the

Volsci.

The Volsci retook a city called Verrugo, and put the Roman garrison to the sword. The troops sent to its aid arrived too late through the fault of the Senate, who did not hasten them, because they received advice that the garrison made a vigorous defence; not reflecting, that no courage can surmount the bounds of human force. The slaughter of those brave soldiers was not long unrevenge.

A.R. 349.

Ant. C.

403.

P. & CN. CORNELII COSSI, &c.

Three of the Military Tribunes marched against the Volsci, each at the head of a distinct army. Two of them ruined their country on different sides. The third, Fabius Ambustus, led his troops against Anxur, since called Terracina, which he besieged, and took by storm. The slaughter at first was very great: but ceased upon promising their lives to such as laid down their arms. Two thousand five hundred prisoners

ners were taken. As for the rest of the booty, Fabius would not suffer it to be touched till his colleagues arrived ; representing to his army, that they had contributed to the taking of Anxur, by preventing the other cities, whose territories they had ravaged, from sending it aid. When they arrived, the three armies plundered the city together, which was very opulent. That liberality of the Generals began a reconciliation between the People and the Patricians.

But what compleated it, was a decree passed very seasonably by the Senate, without being solicited either by the People or their Tribunes. The soldiery had served the State hitherto at their own expence. Every man was obliged to find himself subsistence from his own little inheritance, as well in the field, as during the winter-quarters ; and often, when the campaign was of too long continuance, the lands, and especially those of the poor Plebeians, lay uncultivated. From thence arose the necessity of borrowing, interest upon interest, and at length the complaints and seditions of the People. The Senate, to prevent these disorders, decreed that for the future the soldiers, who served in the foot, should be paid by the public. Nothing ever gave the People so much joy. They ran in crowds to the Senate. They kissed the hands of the Senators as they came out of their house, and called them their fathers. They declared, that after such an instance of their goodness, there was not a single citizen, who to the last moment of his life, would not be ready to shed the last drop of his blood for so beneficent a country. The decree in itself was highly agreeable to the People, as from thenceforth, whilst particulars served the public in the field, their estates would not be charged with any expence,

A. R. 349.
Ant. C.
403.

*The pay of
the Roman
infantry
first insti-
tuted.*

A.R. 349. pence. But what augmented their joy and gra-
 Ant. C. titude, and gave a new value to this largess,
 403. was, says Livy, its not being extorted either by
 the complaints of the Tribunes, or solicited by
 the People, but its proceeding purely from the
 liberality of the Senate, and an entirely volun-
 tary effect of their goodness and affection for
 the citizens.

How much must the Senate have been charmed
 to see their decree received with such warm and
 universal applause? And indeed can any joy
 be more pure, more lively, and more affecting
 for those who govern, if they have any sense of
 humanity, than to see themselves in a condition
 to relieve the People, to take off part of the
 heavy load, which the hard necessity of war
 has reduced them against their will to lay upon
 them, and to hear themselves called, what they
 should be by their office, the protectors and fa-
 thers of their country? A People, like those
 whose history we are now writing, ready to sa-
 crifice themselves for the state (and as much
 may be said of the French, devoted as they are
 by will and affection to the service and persons
 of their Kings) do they not deserve to be treated
 with indulgence and goodness?

Unjust

murmurs

of the Tri-
bunes.

The bad spirit of the Tribunes of the Peo-
 ple manifested itself upon this occasion. They
 were the only persons that did not share in the
 public joy, and made themselves remarkable
 for a gloomy and invidious air of discontent.
 They were even studious to poison the donation
 of the Senate in respect to the People, by infi-
 nuating, “ that it was far from being so advanta-
 “ geous as it seemnd. For, how was the fund
 “ to be established for the payment of the sol-
 “ diers, except by imposing a tax upon indi-
 “ viduals? That the Senate therefore were li-
 “ beral

“ beral at the expence of others. That as to A.R. 349.
 “ the rest, though others might approve this Ant. C.
 “ innovation, the old soldiers would not consent 403.
 “ to it, and would never suffer that the condi-
 “ tion of the new soldiers should be better than
 “ their own had been, and that after having
 “ served the public at their own expence, they
 “ would be very unwilling to see themselves
 “ obliged to contribute to the pay of others by
 “ the tax that was to be imposed upon them.”

They drew over part of the People into their opinion ; and when the new imposition was published, they declared that they would take upon themselves the crime and defence of such as should refuse to pay it.

The Senators, to support by their wise conduct what they had so well begun, set others *The Sena-*
 the example, and were the first to pay in their *tors set the*
 proportion, equitably stated according to the *example of*
 value of their estates, into the public treasury. *paying the*
contribution.
 As there was hitherto no coined silver, and all the money was of copper, which consequently must have been very heavy, (this is what was called * *æs grave*) some of the Senators sent in their contribution, which was very considerable, in carriages ; which attracted the eyes of the public. When they saw the Patricians actually contribute, the principal Plebeians, who were most of them the friends of the nobility, piqued themselves upon imitating them ; and the populace themselves, who heard them generally praised as good citizens, were for sharing that glory with them, and eager to pay in the tri-

* It is very probable that the term *æs grave* did not begin to be used, till the coin was diminished, when it was proper to distinguish the old money from the new, which was become lighter.

bute,

A.R. 349. bute, without giving themselves any pain about
 Ant. C. what the Tribunes might think of their conduct.
 403.

Besides easing the People, the Senate, in establishing a fund for the payment of the troops, had in view the carrying wars farther, and the power of supporting them longer. Before this institution, their wars deserved rather the name of incursions, which usually terminated by a battle. This kind of party-wars did not last above twenty or thirty days, and often much less, the soldiery, for want of pay, not being able to keep the field any longer. But, when the Senate saw themselves in a condition to keep a body of regular troops at all times on foot, they formed greater designs, and conceived thoughts of besieging Veii, one of the strongest cities of Italy, and which did not give place even to Rome, either for the valour or riches of its inhabitants.

War having been declared against the Veientes, the new Military Tribunes took the field with an army composed chiefly of volunteers.

A.R. 350. T. QUINTIUS CAPITOLINUS, &c.
 Ant. C.

402.
Beginning The siege of Veii began this year.
of the siege
of Veii.

A.R. 351: C. VALERIUS POTITUS, &c.
 Ant. C.

401. Livy mentions six Military Tribunes of this year. The siege of Veii went on very slowly under them, because it was necessary to detach part of the Generals and troops against the Volsci. They gained two battles against them, took one of their cities, called Artena, and entirely demolished it with its citadel.

T H E
ROMAN HISTORY.

B O O K T H E S I X T H.

TH E sixth Book contains the space of thirteen years, from the 352d to the 365th year from the foundation of Rome. The principal events are, the taking of Veii after a siege of ten years, the banishment of Camillus, and the taking of Rome by the Gauls.

S E C T. I.

The Military Tribunes change the siege of Veii into a blockade, and resolve to make the army winter there. Complaints of the Tribunes of the People. Appius's fine harangue to refute them. A loss received before Veii redoubles the valour of the Romans. Admirable generosity of the Knights and of the People. Sensible joy of the Senate. Pay for the horse also established. Complaints of the Tribunes of the People concerning the taxes. Election of the Tribunes of the People attended with some difficulty. Trial of two Military Tribunes. They are fined. Reasons why their punishment was so slight. The Plebeians at length obtain one place amongst the Military Tribunes.

The Military Tribunes change the siege of Veii into a blockade.

WHILST all around them were in peace, the Romans and Veientes, animated by a spirit of hatred and revenge, made a violent war against each other, which seemed incapable of being terminated but with the entire ruin of one of the two states. The Romans elected new * Military Tribunes.

A.R. 352.
Ant. C.
400.
Liv. l. 5.
c. 1—7.

MANIUS ÆMILIUS MAMERCINUS, &c.

The Veientes, who had been governed hitherto by annual magistrates, tired with the violent intrigues that were revived every year about the election, chose themselves a King. This change displeased all the other states of Hetruria, less on account of the office than person of the King, with whom they were much dissatisfied, and who, in his private capacity, had rendered himself extremely odious by his haughty behaviour. It was therefore resolved in the general assembly of the nation, that no aid should be given the Veientes as long as they should be governed by a King. No body dared carry this news to him who actually reigned at Veii, because it would have cost such person their life.

Veii was an opulent city, extremely populous, and very strong by situation.

The Romans, who had no hopes of taking a city by assault that was fortified with good works, determined to starve it by a blockade. They therefore threw up lines of circumvallation and contravallation, to secure themselves against the sallies of the besieged, as well as

* Livy mentions eight of them: but Sigonius and Pignorius evidently prove, that there were but six, and that Cincinnatus and Postumius Albinus were not Military Tribunes, but Censors, this year.

against

against the attacks of the enemy from the coun- A.R. 352.
 try, and to prevent them from throwing suc- Ant. C.
 cours of troops or provisions into the place. 400.
 For this purpose it was necessary to resolve to
 pass the whole winter in the lines, and to erect
 barracks against the rigour of the season, a
 thing unheard of till then, and absolutely un-
 known to the Romans.

When the Tribunes of the People, who had Complaints
 found no occasion for stirring for some years, of the Tri-
 had received this news, they immediately re- bunes of the
 paired to the assembly, and endeavoured in People.
 concert to exasperate the People by seditious
 discourses. They represented to them, “ That
 “ this was the end intended by the pay granted
 “ to the soldiers. That they had not been de-
 “ ceived when they apprized the People, that
 “ this largess concealed a secret poison. That
 “ they had sold their liberty for it. That the
 “ youth were removed, and banished from the
 “ city and the public affairs for good and all.
 “ That without regard to the rigours of the
 “ season they were kept during the whole win-
 “ ter in the open field, and not permitted to
 “ visit their houses and lands. And what rea-
 “ son did they believe there could be for con-
 “ tinuing their service in this manner, if it
 “ were not to prevent the youth, in whom the
 “ whole strength of the People consisted, from
 “ doing any thing in the assemblies for their
 “ common interests. That they were much
 “ more distressed, and had much greater evils
 “ to suffer than the Veientes. That the latter,
 “ who defended their city within good walls,
 “ and its natural entirely advantageous situation,
 “ passed the winter in their houses: whereas
 “ the Roman soldiers, always employed in
 “ works and fatigues, and exposed to the frost

A.R. 352. “ and snow, had no houses but tents, without
 Ant. C. “ quitting their arms even during the winter,
 400. “ which in all countries suspends military ex-
 “ peditions by sea and land. That neither the
 “ Kings, the haughty Consuls before the insti-
 “ tution of the Tribunitian authority, the Dic-
 “ tators armed with their terrible unlimited
 “ power, nor the cruel Decemvirs, had imposed
 “ so severe a yoke upon the Roman youth, as
 “ forcing them to serve during the whole year,
 “ nor exercised so tyrannical power over them,
 “ as did now the Military Tribunes. What
 “ then would they do, if they were really Con-
 “ suls or Dictators, as having only the image
 “ and resemblance of the Consular dignity, they
 “ lorded it with such absolute sway and rigour?
 “ But that after all, such treatment ought not
 “ to be complained of. That of eight Military
 “ Tribunes not one was a Plebeian. That for-
 “ merly the Patricians did not carry their point
 “ to fill up three of those places without great
 “ struggle and difficulty. That now eight
 “ were seen to set out in a body without a single
 “ Plebeian of their number, who, if he could
 “ do nothing else, might at least put his col-
 “ leagues in mind, that the soldiers were not
 “ slaves, but freemen and citizens, that it would
 “ be no more than just to send them home to
 “ their houses during the winter; in order that
 “ in some part of the year they might see their
 “ fathers, wives, and children; use their liberty
 “ and suffrages, and have a share in the election
 “ of the magistrates.”

*Fine ba-
 rangue of
 Appius to
 refute the
 Tribunes.*

The Tribunes, who held discourses so proper
 for enflaming the populace, found an adversary
 in the person of Appius highly capable of ma-
 king head against them. He was one of the
 Military

Military Tribunes this year, and the only one^{A.R. 352.} whom his colleagues had left at Rome to oppose^{Ant. C.} the seditious attempts of the Tribunes of the^{400.} People in their absence. He now ascended the Tribunal for harangues, and spoke to the following effect.

Romans, if ever the motives that induces your Tribunes to excite seditions continually in the commonwealth, were dubious, that is, whether it be your interest or theirs that actuates them, I am convinced there will now no longer remain any uncertainty upon that head. They were never known to be so sensibly afflicted about any injustice which they conceived done to you, as they have been by the liberality of the senate in respect to the soldiers, when it decreed that they should have pay for the future. What is there in that new institution, that could alarm them so much, if it were not the union of the two orders of the state, which they extremely dread as opposite to their seditious views? On the contrary, ought they not, if they had, I do not say any love for the public good, but the least sense of humanity, remaining, to use their utmost endeavours to preserve and strengthen that reciprocal union and good understanding, which, if firm and permanent, would assuredly soon render the Roman People more powerful than any of their neighbours.

I shall shew in the sequel of my discourse, how much the resolution of my colleagues, not to draw off the troops from before Veii, till that city is taken, is not only useful but necessary: at present I speak only of what regards the interest and condition of the soldiers. I am assured, that if I spoke in the camp, and they were my hearers and judges, they would universally applaud my discourse. And indeed how could they take it amiss, as a new advantage has been granted them, that an augmen-

A.R. 352.
Ant. C.
400.

tation of their service should be required? Pains (a) are never without reward, nor rewards commonly without pains. Labour and Pleasure, though very different in their nature, are united with each other in a kind of natural tie and society. If their country were to come to an account with the troops, might it not say with reason; You are paid for the whole year, why then don't you serve the whole year?

It is with pain, Romans, that I use such language: a language those should employ who are served by mercenary soldiers. But as for us, we would gladly act with you as fellow-citizens, and desire that you should act with us as with your country. Either we ought not to have undertaken this war, or we ought to support it in a manner worthy of the Roman People; and terminate it as soon as possible. Now the means to terminate it, is to press the besieged vigorously, and not to quit the siege, till we have taken the city.

Though we had no other motive for persevering constantly in our enterprize, the unworthy manner in which the Veientes have acted in respect to us ought of itself to induce us to it. Seven times they have renewed the war. They never kept their faith during peace. They have ravaged our country a thousand times. They have made the Fidenates revolt against us. They have butchered the colony we had amongst those People. It was they who, contrary to the law of nations, caused our ambassadors to be assassinated. They have endeavoured to arm all Etruria against us, and still endeavour to do so. They wanted little of attacking the ambassadors we sent to make our complaints,

(a) Nusquam nec opera tasque, dissimillima naturâ, sine emolumento, nec emolumentum ferre sine impensa opera est. Labor voluptasque, dissimillima naturâ, societate quadam inter se naturali sunt juncta. Liv.

and

and demand satisfaction. And are we then to act A.R. 352.
Ant. C.
gently with such enemies?

But other motives still more powerful ought to 400.
weigh with us. The considerable works that we have made around their city, keep the enemy shut up within their walls. Their lands are either not cultivated, or we have ruined those that were. If we draw off our army, who doubts, that not only the desire of revenge, but necessity, will oblige them to make incursions, and to plunder our country, as their own affords them nothing. We do not then remove the war in following the counsels the Tribunes give you, but draw it into our own country.

To proceed to what regards the soldiers in particular, for whom the same good Tribunes, after having been willing to deprive them of pay, are now all on a sudden so excessively concerned, let us consider what great advantages they are for procuring them. These soldiers have thrown up works, and ran fossés quite round the place, things of very great labour. They have fortified them with redoubts, at first in no great number, to which others have since been added in proportion as the number of the troops increased. They have erected forts, not only against the city, but against Hetruria, to prevent the aids which might be sent from thence. I do not mention all the machines necessary in attacking places. After having passed through so many labours, and brought our works to perfection, do you believe it proper to abandon them, in order to begin them anew at the opening of the next campaign? Is it not much more easy and more secure to preserve them, and to press the siege, which certainly cannot be of any great length, if we ourselves do not frustrate our hopes by our delays and remissness?

But, besides the loss of time, we incur still a much greater danger. You are not ignorant that

A.R. 352.
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400.

the states of Hetruria hold frequent assemblies to deliberate upon sending aid to Veii. The Hetrurians at present are highly incensed against the Veientes, they hate them, they refuse to assist them, and, as far as in them lies, leave us at liberty to take Veii. Who can be assured that they will always continue in the same mind, if the war be continued much longer? especially as, if we give the besieged any relaxation, they will be in a condition to send more frequent and more considerable embassies into Hetruria. Besides which, the circumstance which now disgusts the Hetrurians, that is, the creation of a King at Veii, may change in an instant, either by the general consent of the city to reconcile that People, or the voluntary abdication of the King himself, who may not be willing that his sovereignty should be an obstacle to the safety of his country.

Though the continuance of the siege were not essential to the success of the present war, it would be of the highest importance in respect to military discipline to accustom our soldiers, not only to enjoy the victories they acquire, but when war is spun out to any length, to wait the issue of it with constancy to the end, without suffering themselves to be overcome by the tediousness of delay; to continue it during the winter, if it cannot be terminated sooner; and not to turn their eyes and desires towards their houses as soon as autumn comes on, like those birds that disappear with the summer. (a) And, I beg you, shall the eagerness and pleasure of hunting draw men into forests, and over mountains through frosts and snows, and shall we not shew the same patience in war for the necessity

(a) Obsecro vos, venandi cessitatibus eam patientiam stadium ac voluptas homines non adhibebimus, quam vel per nives ac pruinas in montes sylvaque rapit: belli ne-

Liv.

ties

ties of state that we chuse to practise for our ^{A.R. 352.} sport and pastime? Do we believe our soldiers so ^{Ant. C.} soft and effeminate, both in respect to their bodies ^{400.} and courage, that they can prevail upon themselves neither to continue some time from their houses, nor to pass a winter in the camp? They would blush no doubt to hear such discourse of them; and would answer with indignation, that they are no less ready to make war in winter than summer; that they have not commissioned the Tribunes to declare themselves advocates of cowardice and effeminacy in their names; and that they have not forgot it was not in the shade and under their roofs, but in the open field, that their ancestors established the Tribunitian power.

These are sentiments worthy of our soldiers, worthy of the Roman name: not to consider only the siege of Veii, nor the war which we are actually making, but to carry their views farther, and to regard in the present juncture the establishment of their reputation for other wars and other enemies. Do you think, that what is now to pass at Veii, will not fix in the minds of the neighbouring people the idea they will believe they ought to form of you; and that it is a matter of indifference whether those people persuade themselves, that, if they sustain the first ardour and vivacity of the Romans, which are of no long duration, there is nothing farther to apprehend from them: or on the contrary, that you so establish the terror of your name amongst them, that they are assured neither the tediousness of a long attack, nor the rigours of the winter, are capable of making a Roman army quit a siege they have once undertaken; that the Romans know no end of war but victory, and that they value themselves as much upon their perseverance, as impetuosity, in their attacks?

Can

A.R. 352.
 Ant. C.
 400.

Can any thing more grateful happen to the Veientes, than to see Rome first, and then the camp, torn in pieces by divisions? As for them, they do not act in this manner. In the midst of the horrors of war, and the inconveniencies of a long siege, all is quiet at Veii. The new institution of a King excites neither murmur nor sedition. The refusal of aid from Hetruria has made no change in their disposition, and does not exasperate them against the King, who alone is the cause of it. Whence think you arises this great tranquillity? It is because whoever should dare to excite any trouble, would be immediately put to death; and they do not hold such discourses there with impunity, as they do here.

For, to your shame it must be confessed, that the charms of the Tribunitian power have so blinded and bewitched you, that under the name and protection of the Tribunes, the greatest crimes find entire impunity with you. It only remains for them to carry the same spirit of revolt into the camp, which they are continually fomenting in your assemblies: to corrupt the armies by their seditious harangues, as they are incessantly labouring to seduce the People here: and to teach the soldiers to obey neither their generals nor officers: liberty now at length being made to consist in regarding neither the Senate, the magistrates, the laws and customs of our ancestors, nor any of the regulations so wisely established amongst us for supporting military discipline in all its vigour.

*A loss at Veii rebou-
 nishes the ar-
 dour of the
 Romans.*

Appius opposing the declamations of the Tribunes with a solid eloquence, founded on strength of reasons, was thus disputing empire with them over the minds of the People, when the news of a considerable loss, received by the Romans at Veii, (who would believe it?) gave him the superiority to the Tribunes, and inspired both orders

orders of the state with new ardour for continuing the siege with more vigour than ever. The machines had been advanced very near the walls, But as the Romans were more intent on carrying on their works in the day, than guarding them in the night, the besieged, when least expected, sallied in great numbers out of the city with lighted torches in their hands, set fire to the machines which had cost infinite time and trouble, and the flames consumed them in an instant. Many soldiers, who endeavoured to prevent it in vain, lost their lives either by the sword or the fire.

When this news was brought to Rome, the whole city was much afflicted, and the Senators apprehended, that the Tribunes, imputing this loss to their counsels, might take occasion from it to insult them as well as the Commonwealth, and that it would be impossible to put a stop to the sedition either in the city or in the camp. Directly the contrary happened.

The cavalry of the Roman armies had hitherto consisted only of the Roman Knights, whom the public furnished with horses. On the present occasion, the citizens, who had the income necessary for being admitted into that order, and to whom the Censors had not assigned horses kept at the public expence, after having concerted together, repaired to the Senate, where having obtained audience, they declared that they were ready to supply themselves with horses, in order to be in a condition to serve the Commonwealth. The Senate received so generous an offer with great marks of gratitude, and the report of it spread immediately throughout the whole city. The Plebeians, fired with a noble jealousy, presented themselves also before the Senate in their turn, and said, that to sustain

A.R. 352.
Ant. C.
400.

*Admirable
generosity
of the horse
and of the
People.*

A.R. 352. Ant. C. 400. tain the honour of the infantry, they were come to offer their service out of their turn, ready to march wherever it should be deemed necessary ; and that if they were led to Veii, they engaged beforehand not to return from thence till that city was taken.

Sensible joy of the Senate. It was not possible for the Senate to set any bounds to the joy with which they were seized, and in a manner transported, at this instant. They did not content themselves, as they had done in respect to the Knights, with appointing one of the magistrates to return their thanks, or with causing some of the Plebeians to be brought in to hear their answer. The Senators, quitting their houses in a body, and turning towards the People who were assembled in the Forum, from the ascent where they were, expressed both by their voices and gestures all they thought and all they felt. They cried out, that by such an unanimity and concord, Rome would be happy, invincible, and eternal. They gave the horse and foot the highest praises. They considered that day as the most fortunate and most glorious of the commonwealth. They owned that the Senate was overcome in generosity. Tears of joy were seen to flow on both sides, and nothing was heard but congratulations and thanks. The Senators having been recalled into the Senate, a decree was passed, by which the Military Tribunes were directed to call an assembly of the People, to thank the horse and foot in the name of the public, and to assure them, that the Senate would ever bear in mind their good-will and zeal for their country. By the same decree it was also ordained, that those voluntary soldiers should be allowed the years of service, as if they had actually been levied in form.

A certain pay was also instituted for the horse, A.R. 352. Ant. C. as had before been done for the foot. Livy does not mention here the amount of that pay. 4^{CO}. Pay insti- tuted for the horse. He says elsewhere, that it was thrice as much as that of the foot. According to Polybius, the pay of the foot was two *oboli* a day; (something L. 5. c. 12. Lib. 6. p. 484. more than three sols French, or three half-pence English) and that of the horse six *oboli*, which is thrice as much, (ten sols). Provisions were very cheap in those days. The bushel of wheat Id. 1. 2. p. 103. was usually sold for no more than four *oboli* (six sols and an half) and the bushel of barley for half that price. A bushel of wheat would subsist a soldier eight days. This is the first time that the cavalry furnished themselves with horses.

The new army of volunteers being arrived at Veii, did not only re-instate the works which had been ruined, but added new ones to them. More care than ever was taken to send provisions in abundance from the city to the camp, in order that so courageous and well-disposed an army might want for nothing.

Military Tribunes were elected for the following year.

C. SERVILIUS AHALA, III. &c. A.R. 353. Ant. C.

The Volsci make themselves masters of Anxur by treachery, where the Romans had a garrison. 399.

The discord between the two generals who commanded before Veii, occasioned a defeat there. The * Fidenates and Falisci, two people of Hetruria, apprehending that the Roman armies would fall upon them after the taking of Veii, to which they were near neighbours, united Division between two Military Tribunes occasions a defeat at Veii.

* Livy says the Capenates : the Fidenates were Sabines.

A.R. 353. Ant. C. 399. ted their forces, and attacked the Roman lines at the part where Manius Sergius, one of the Military Tribunes, commanded. The report which spread, that all Etruria was advancing to the aid of Veii, terrified the troops of Sergius, and at the same time encouraged the besieged to make a vigorous sally. The only resource was for the troops of the great camp, which was not very remote, to come and sustain Sergius. Virginus, who commanded there, was his declared enemy. He was informed of the attack and danger; but he kept in his camp, saying, that if his colleague stood in need of his service, he would let him know it. Sergius, imagining it dishonourable to demand aid of a man with whom he was entirely at variance, chose rather to suffer himself to be defeated by the enemy, than to be obliged to his colleague for victory. His troops, after having suffered exceedingly, abandoned their lines. Some retired into the great camp: but the greatest part of them, with Sergius at their head, marched directly to Rome.

*They are
obliged to
abdicate
their office.*

As he laid the whole blame upon his colleague, Virginus was sent for, and the command given to their lieutenants during their absence. The affair was examined in the Senate. The two Military Tribunes were less intent upon defending themselves, than accusing each other, and they did not spare reproaches and insults on either side. The Senate scarce acted more reasonably. Very few of them, in the enquiry into this affair, judged with a view to equity and the good of the public: friendship and favour determined the suffrages of the majority. The elder and principal Senators perceiving this disposition, referred to a farther time a fuller examination whether so shameful a defeat had happened

happened through the fault of the generals, or A.R. 353.
the common enough misfortune of war. They Ant. C.
believed it necessary to proceed directly to the 399.
remedy, and not to wait the time fixed for the
election, but to nominate new Military Tri-
bunes immediately, who should enter upon of-
fice on the calends of October, that is to say,
the first day of that month. This opinion was
generally approved, without being complained
of by the other Military Tribunes. Sergius
and Virginius, who had given occasion for it,
were the only persons who opposed the decree
of the Senate. They protested that they would
not quit their office before the ides of December,
which was the usual day for the election of new
magistrates.

During these disputes, the Tribunes of the
People, intent upon all occasions for adding
weight to their authority, rose up with warmth,
and in a haughty imperious tone menaced the
Military Tribunes to commit them to prison, if
they did not obey the orders of the Senate.
Servilius Ahala, one of the Military Tribunes,
addressing himself upon that to the Tribunes of
the People, *If it were a proper time*, said he to
them, *I would shew you how little right you have
to make us such menaces, and how little we fear
them. But the question is now, to cause the decree
of the Senate to be put in execution. Therefore as
to you, Tribunes of the People, do you cease to
take an advantage of our disputes for exciting broils
and extending your power. And as to our two
colleagues, they shall either comply willingly with
what the Senate ordains, or if they persist in refus-
ing to obey, I shall immediately declare a Dicta-
tor, who will know how to oblige them to quit their
office.* This discourse was applauded by the
whole assembly, the Senators being exceedingly
pleased,

A.R. 353. pleased, that a more certain and consistent me-
 Ant. C. thod was found out for overcoming the obsti-
 399. nacy of the refractory, than having recourse to
 the threats of the Tribunes. And accordingly
 they submitted to the unanimous authority of
 the Senate, and new Military Tribunes were
 elected to enter upon office on the calends of
 October.

A.R. 354. L. VALERIUS POTITUS IV.
 Ant. C. M. FURIUS CAMILLUS II. &c.
 398.

Complaints of the Tribunes concerning the impositions There were abundance of affairs and wars during the administration of these Military Tribunes. Their first care was to make the levies, in which they included not only the youth, who were not yet of the age prescribed by the laws, but even the old men, both of whom they obliged to take arms for the guard of the city. The more the number of the foldiers was augmented, the more money was necessary for their pay ; and that money was raised upon the citizens, who remained at Rome. These impositions, from which the old men, who had been lifted, were not exempt, because they did not quit the city, excited complaints amongst the People ; and the more, because the Tribunes were incessantly animating them by seditious harangues, and representing to them, “ that the
 “ Patricians seemed solely intent upon depref-
 “ sing the citizens ; part of them by the sad
 “ necessity of bearing arms, and the rest, by
 “ impositions, which they were not able to
 “ support. That they no longer made any
 “ difference between winter and summer. That
 “ wars were expressly multiplied, for occasions
 “ to distress the People. That only one of
 “ them had already continued during five years ;
 “ and

“ and that the Generals industriously succeeded A.R. 354.
 “ amiss, in order to protract it the longer. That Ant. C.
 “ in respect to the old men, who had brought 398.
 “ back nothing from the wars but bodies weak-
 “ ened and worn out by fatigues, wounds, and
 “ years, and who at their return had found
 “ their lands almost uncultivated through the
 “ long absence of their owners, they had the
 “ cruelty to exact from them, notwithstanding
 “ the bad condition of their affairs, taxes and
 “ contributions, and to oblige them to return
 “ the commonwealth double the pay they had
 “ received from it, and that too with interest.”

It is easy to judge how capable such discourses were of irritating a People already too much inclined of themselves to complain and murmur. It was in this, as we have seen hitherto, that the great employment and ability of these Plebeian magistrates consisted, which often formed their whole merit.

During these troubles, the time for electing Election of
 new Tribunes of the People arrived. Their the Tri-
 number could not be filled up. The Patricians bunes of the
 used some endeavours to get themselves adopted People at-
 by those who had been chosen, and to fill up tended
 the vacant places. Not being able to obtain with some
 That, they found means to cause two Plebeians difficulty.
 devoted to them to be adopted, being well
 pleased to infringe the law *Trebonia*, which on
 a like conjuncture, as has been observed in its
 place, ordained, that the People for the future
 should elect their Tribunes, and elect all of
 them together.

Amongst those who had been chosen was one Two Mili-
 Trebonius, who believed it his duty to his name ary Tri-
 and family, to take upon him the defence of a bunes pro-
 law, instituted by one of his ancestors. He secuted,
 therefore complained to the People against his and con-
denn-d in

A.R. 354.
 ANL C.
 398.

own colleagues, to whose weakness and indolence he ascribed the violation of that law. Three of them, who apprehended the People's resentment, in order to make a diversion and conciliate their favour, cited Sergius and Virginus, who had been Military Tribunes the year before, to take their trial before them. They said, "that to such, as suffered the levies, taxes, "and prolongation of the war with pain, who "lamented the deaths of their children, brothers, kinsmen, and friends, that perished "miserably that fatal day at Veii, they offered "a fair occasion to avenge themselves, and the "public, upon the heads of two persons equally criminal and responsible for all the misfortunes which had happened. That their "own confession, the evidence of their colleagues, and the decree of the Senate who "had obliged them to abdicate their office, "were proofs to which there could be nothing "to reply. That they might remember that "fatal day, when they saw the sad remains of "the soldiers defeated at Veii, return to Rome "still trembling with their fears, and covered "with wounds, accusing neither fortune, nor "any of the Gods, but their generals, as the "sole authors of their defeat. That they were "assured, there was not a single person in the "assembly, who did not at that time pronounce "a thousand curses against the persons, fortunes, and lives of Virginus and Sergius. "That after having devoted them in that manner to the anger of the Gods, it would ill "become the People not to exert their power "against them, when they both could and "ought. That the Gods did not punish criminals themselves, but were contented with "arming in some manner the hands of those
 " they

L. VALERIUS POTITUS, &c. Mil. Trib. 259

“ they had injured, in supplying them with ^{A.R. 354.}
 “ the occasion of avenging themselves.” The ^{Ant. C.}
 People, irritated by these discourses, condemned ^{398.}
 the two criminals in a fine.

This was a very slight punishment for a pre-^{Reasons}
 varication, or rather a treason; so criminal and ^{for so slight}
 evident. For they could not deny, the one, ^{a punish-}
 that he would not have recourse to his colleague, ^{ment.}
 when he saw himself in extreme danger; and
 the other, that when he was informed of his
 colleague's danger, that he would not move to
 his aid. so criminal a disposition, which di-
 rectly attacks the state, which for a private
 pique makes persons forget all that they owe
 their country, and which reckons the deaths of
 a considerable number of brave soldiers as no-
 thing, seems to have required, that an ex-
 emplary and most distinguished punishment
 should have been made of it, to prevent the sad
 effects of this kind of jealousy and dissention,
 too common amongst Generals who serve to-
 gether.

But it was one of the maxims of the Roman
 policy, not to treat Generals who had been un-
 successful in war with excessive severity. The
 Roman people, generally speaking, were very
 moderate in the punishment of criminals. Livy
 makes this remark, where he speaks of the exe-
 cution of Mettius Fuffetius, who was drawn
 asunder by four horses; and he says, (a) That
 was the first and last example of a punishment
 amongst the Romans, in which the laws of hu-
 manity seem to have been forgot; but that in

(a) Primum ultimumque aliis gloriari licet nulli gen-
 illud supplicium apud Roma- tium mitiores placuisse pœ-
 nos exempli parum memoris nas. Liv. 1. c. 28.
 legum humanarum fuit. In

A.R. 34
Ant. C.
598.

other instances, no people could boast of having been satisfied with lighter inflictions upon its citizens guilty of crimes. They were usually punished by gentle fines or banishment; and during a long series of years we see very few of them condemned to die. The Romans in respect to their generals had a particular reason for acting with great lenity. Besides that the faults of a person charged with the command, fell indirectly upon the People who had elected him, they knew the multiplicity of cares, pains, and disquiets, that attend the command of an army; and they would not add new ones to them, in leaving the general the fear of seeing himself condemned to a shameful punishment, if he had the misfortune to succeed ill in a campaign; nor disgust those to whom they confided the command of their armies, by such an example. Every body knows in what manner Varro was received after the loss of the battle of Cannæ.

In the wars which were made this year on different sides, no considerable events happened. The Tribunes of the People were very busy at this time, in proposing the Agrarian law, and in opposing the payment of taxations, though absolutely necessary for the subsistence of the armies. A considerable victory, which they gained in the election of Military Tribunes, amongst whom a Plebeian was at length chosen, induced them to desist from their pursuits, and to suffer the taxes to be raised.

*A Plebeian
is at length
elected Mi-
litary Tri-
bune.*

A.R. 35
Ant. C.
597.
Liv. 5.
12—13.

P. LICINIUS CALVUS, &c.

The Plebeian admitted amongst the Military Tribunes was so called. Livy says, that he was an ancient Senator. It does not appear hitherto, that

(1) that any Plebeian had fate in the Senate, and A.R. 355.
 that hiltorian no where mentions that there had. Ant. C.
 It is therefore very probable, that some error^{397.}
 may have here crept into the text. Perizonius; Periz. An.
 a learned and judicious writer of dissertations, Hist. c. 8.
 tells us, that the Military Tribunes of this year
 were all plebeians except one; and Livy him-
 self supplies him with the Proof of it, in nomi-
 nating Tribunes of the People of all the families
 here in question. The reader will dispense with
 my entering into discussions of this kind.

The next election were all Plebeians, except
 one.

(1) *Some writers say, that been admitted into the Senate
 the considerable Plebeians had from the 263d Year of Rome.*

S E C T. II.

Institution of the Lectisternium for making the plague cease. A sudden increase of the waters of the Alban Lake gives occasion for sending to Delphi. Answer of that oracle. Licinius refuses the office of Military Tribune, and causes the election to fall upon his son. Camillus is declared Dictator. He re-instates affairs at Veii. When he is upon the point of taking that city, he consults the Senate about the spoils. The city is taken by the means of a mine. Fine saying of Camillus. Extraordinary joy of Rome. Triumph of Camillus. The tenth of the spoils consecrated to Apollo. The People demand to remove to Veii. New difficulty concerning the extent to be given the vow of the tenth. The Roman Ladies divest themselves of their jewels to supply the quantity of gold necessary for the present to Apollo. They are advantageously rewarded.

M. VETURIUS, &c.

A.R. 356.

Ant. C.

396.

Institution of the Lectisternium for making the plague cease.

A Great plague that broke out this year at Rome, occasioned the institution of a new religious ceremony, called *Lectisternium*. That word is derived from *lectos sternere*, to prepare beds. The custom at Rome, in times of great danger, or great success, was to decree solemn feasts to the Gods in order to implore their aid, or to render them public thanks for the protection received from them. Officers called *Triumviri*, and in process of time, when their number was augmented to seven, *Septemviri epulones*, much considered at Rome, presided in these feasts. According to the custom of those times, they prepared in the temples round the tables, beds

beds covered with magnificent carpets, cushions, A R. 356.
and seats. The statues of the Gods and God Ant. C.
desses, invited to the feast served upon the table, 356.
were placed on them, and they were deemed to
be present at and partake of it. (a) Valerius
Maximus informs us, that they vouchsafed to
conform to human customs, and that in this
ceremony Jupiter lay at length upon a bed, and
Juno and Minerva sat on seats.

In this manner this feast was celebrated on the
present occasion in the name of the public,
which is the first time the *Leclisterium* is men-
tioned. Private persons did the same during
the eight days of the solemnity, and mutually
entertained each other at their tables. The
whole city kept open house, and tables were
spread, and feasts celebrated, at which every
thing was in common, and every body known
and unknown equally welcome. Quarrels and
proceedings at law were suspended, and prison-
ers had their chains taken off during the whole
time of the feast. It was afterwards made a
scruple of conscience to put on the chains again
of those whom the Gods had delivered from
them. It is remarkable that the Pagans them-
selves did not believe their festivals duly cele-
brated, if they retained hatred and enmity in
their hearts.

Whilst this ceremony was celebrated at Rome, *Attack of*
the Capenates and Falisci suddenly attacked the *the enemy*
lines before Veii, as they had done some years *successfully,*
before; but with very different success. The *repulsed.*
still recent condemnation of Sergius and Virgi-
nius produced its effect. Troops were immedi-

(a) *Fœmina cum viris cu- vit. Nam Jovis epulo, ipse*
bantibus sedentes cœnitabant: in lectulum, Juno & Miner-
quæ consuetudo ex hominum va in sellas, ad cœnam invi-
convicta ad divina penetra- tantur. Val. Max. l. 1. c. 2.

A R. 356. ately dispatched from the great camp to defend
 Ant. C. the lines. The enemy were repulsed with con-
 396. siderable loss, as well as the besieged, who had
 made a sally, and were vigorously pursued even
 into the city.

Scruples of religion in respect to the election of magistrates. The *Comitia* for the election of magistrates approached, and gave the senators no less disquiet than the siege of Veii. They saw with grief, that in the last election the first dignity of the state had not only been communicated to the People, but almost entirely taken away from the nobility. They considered, or were for having others consider, the plague and the other evils that had afflicted Rome, as marks of the anger of the Gods against the Romans on account of that innovation in the offices, wherein no regard had been had to the noble families, who alone had the direction of the auspices, and sacred things. Now the right of auspices being attached to the supreme magistracy, they strongly represented religion as concerned in the injury done the nobility. To avoid this inconvenience in the approaching election, they engaged all the most considerable Patricians to offer themselves as candidates. This double method took effect. The People, out of respect for those great persons, and through (a) the scruples of conscience that had been inculcated into them in respect to religion, of which they were very susceptible, nominated none but Patricians, all of great reputation and peculiar merit.

(a) Ut sunt mobiles ad superstitionem percussæ semel mentes. *Tacit. Annal. l. 28.*

L. VALERIUS POTITUS V.
M. FURIUS CAMILLUS III. &c.

A.R. 357.
Ant. C.
395.

Nothing however of importance passed this year. Only the lands of the Falisci and Capenates were ravaged, in which nothing was spared that fire and sword could destroy.

Amongst many other prodigies, the sudden *A sudden* increase of the Alban Lake, that happened *increase of* without any previous rains, or any apparent *the water* natural cause (for the physics were then little *in the Al-* known) drew the attention of the Romans; *ban Lake* and the more, because the extreme drought of *occasions* the summer had dried up all the springs, and *the sending* almost all the rivers of the country. Deputies *to Delphi.* were sent to Delphi, to know the meaning of *Answer of* the Gods by this prodigy. But the explanation *the oracle.* of it was believed to have been had nearer home. *Liv. 5.* As it is usual, in long sieges, for the besiegers *15—18.* and besieged to talk with each other from their *Plut. in* posts, it happened that a Roman had made an *Camil. p.* acquaintance and frequently discoursed with an *130, 131.* old man of Veii, who passed for one of great skill in divination, and if common report may be believed, explained the prodigy about which people were in pain to him. Having found means to induce him to come out of the city, he seized hold of him, and as he was the strongest carried him off, and with the help of some of his comrades, brought him before the general, who, after he had heard him, sent him under a guard to Rome. When he was introduced into the Senate, and interrogated concerning the increase of the Alban Lake, he answered, That the Gods must have been very angry with the Veientes on the day, when they put it into his thoughts to discover that to a Roman, which was

A.R. 357. was to occasion the ruin of his country ; but that
 Ant. C. they were masters, and that it was not in his
 395. power to act contrary to their will : That it was
 written then in the book of Fate, that when the
 water of the Alban lake should be increased, if
 the Romans let it out in the proper * manner,
 which he told them, they should gain the vic-
 tory over the Veientes ; and that till then the
 Gods would not abandon Veii. Though this
 pretended prophecy made a strong impresson
 upon the Romans, they desired a better autho-
 rity ; and thought it necessary to wait the return
 of the deputies from Delphi. In the mean time
 new Military Tribunes were elected.

A.R. 358.
 Ant. C.
 394.

L. JULIUS JULUS, &c.

The inhabitants of Tarquinii, to take advan-
 tage of the favourable conjuncture, when the
 Romans were employed abroad in different wars,
 and at home in domestic divisions, sent out great
 parties to ravage their country. They were re-
 pulsed with vigour, and obliged to retire with
 great loss.

The siege of Veii gave great disquiet, and
 there was no hopes of putting an end to it, but
 by the peculiar favour of the Gods. The return
 of the deputies revived those hopes. They
 brought back an answer conformable to that of
 the Hetrurian Soothsayer, which besides inform-
 ed them, that it was necessary to re-instate cer-
 tain ceremonies of religion, which had been
 omitted and neglected. This advice was con-
 ceived to regard the last election of Military

* Cicero relates it, where it would be unfortunate for
 he makes this Soothsayer say, the Romans ; but if not, it
 that if the water of the Lake, would be a good omen for them.
 when let out, reached the sea, Lib. 1. de Divin. n. 100.

Tribunes, wherein there had been some defect, A.R. 358.
and the Festivals called *Feriæ Latinæ*. Ant. C.

The Military Tribunes having abdicated their 394.
office, a new election came on. The Plebeian Licinius
P. Licinius Calvus, of whom we have spoke refuses the
above, was at first unanimously chosen. He was office of
the first of the Plebeian Order, who had been Military
elected Military Tribune. He had shewn great Tribune,
moderation in the exercise of that office; but and obtains
was very old at that time. The People seemed it for his
also upon the point of re-electing several of son.

those, who had before been Military Tribunes with him. Licinius, before the report of his election was made, demanded to speak to the People, as was usual, and expressed himself to the following effect: *I perceive, Romans, that your remembrance of the union between my colleagues and myself in our first administration, an union more necessary than ever in the present conjuncture, disposes you to re-elect several of us, whom experience has made still more capable of commanding, into the same office. As for myself, I am no longer the same man. You behold in me only the shadow and name of Licinius. The strength of my body has entirely left me. I can scarce see, or hear, my memory fails me, and the vigour of my mind is worn out. Suffer me to present my son to you, (he held him by the hand) the living image of him you honoured first of all the Plebeians with the office of Military Tribune. Brought up in my sight and principles, I give, I devote, him to the Commonwealth in my stead. I shall be highly obliged, Romans, if you grant the honour you give me of your own accord, and without solicitation, to the demand of my son, and the request which I add in his favour. No difficulty was made to grant his desire, and his son was unanimously elected Military Tribune.*

P.

A.R. 359. P. LICINIUS, &c.

Ant. C.

393.

Camillus

declared

Di&ator.

Liv. 5.

18—23.

Plut. in

Camil.

131--133.

Every thing the Gods seemed to require of the Romans had been exactly performed. The *Ferie Latinae* had been celebrated with the ceremonies prescribed. The water of the Alban Lake had been drawn off by canals, and turned upon the lands. The tenth year of the siege of Veii was now arrived ; and every thing seemed to denounce the approach of victory to the Romans.

A sad event however, which might have disconcerted that enterprize for ever, happened the beginning of this year. Two of the Military Tribunes, Titinius and Genucius, who commanded against the Capenates and Falisci, acting in that war with more ardor and bravery than conduct, gave headlong into an ambuscade. That rashness cost Genucius dear, who was killed fighting valiantly at the head of his troops. Titinius retired to an eminence, where he drew up the soldiers who had recovered themselves a little from their terror. He would not hazard a battle however ; and the disgrace was greater than the loss. But fame, which delights in exaggerating, especially misfortunes, occasioned an incredible alarm at Rome, and in the camp before Veii. A report spread there amongst the troops, that the Roman army had been cut in pieces, with both their Generals, and that the Capenates and Falisci, encouraged by their victory, were on full march with their chosen youth to attack the lines. The panic was so great in the army, that it was just upon the point of disbanding universally, and many did actually fly from the camp.

The consternation occasioned still greater trouble and confusion at Rome. It was believed

believed there, that the camp before Veii had already been attacked, and that part of the enemy were upon full march to Rome. People ran to the walls; guards were posted at the gates of the city; and the temples were full of women, who with floods of tears implored the mercy of the Gods, and that they would cause the evils with which Rome was threatened to fall on Veii.

In this (*a*) sad conjuncture the Romans placed a General at the head of their armies, destined, says Livy, by the fates to take Veii, and to save his country. Camillus was created Dictator, and appointed L. Cornelius Scipio Master of the Horse. The change of the General immediately changed the face of affairs. Hope, courage, and even good fortune, seem'd in a moment to revive. We see here what one man can do. It had already been observed, that in all the employments wherein Camillus had colleagues, his great valour, and exalted abilities had induced them to resign the whole honour of the command to him, as if he had been commander in chief; and it was afterwards remarked, that during his Dictatorships he governed with so much mildness and moderation, that the officers subordinate to him, believed they shared his authority.

His first care was to repair to the lines before Veii, where he began by punishing those who had abandoned the camp in the sudden consternation, of which I have spoke, with all the rigour of discipline; and thereby taught the

(*a*) Igitur fatalis dux ad excidium illius urbis, servandæque patriæ M. Furius Camillus Dictator dictus. --- Omnia repente mutaverat imperator mutatus. Alia spes, alius animus hominum, fortuna quoque alia urbis videri. Liv. 5. 19.

A.R. 359. troops to be more afraid of the just severity of
 Ant. C. their General, than of the enemy's forces, how
 393. formidable soever they might be. On his return to Rome, he made the levies, none refusing to give in their names. The People, in emulation of each other, ran to list under his command. The youth of the Latines and Hernici came to offer the Dictator their service, which he accepted, and thanked them for in full senate. Every thing was now ready for taking the field. Camillus vowed to the Gods, that if they gave an happy end to this war, he would celebrate the great games (those of the Circus) and rebuild the temple of the Goddess called by the Romans *Mater* * *Matuta*.

After having made these vows, he marched against the Falisci and Capenates, and gave them battle. Every thing passed on his side with prudence and reason; and the success, as is usual, was answerable. He not only defeated the enemy, but took their camp, where he found considerable spoils, of which he reserved the greatest part for the public treasury, and gave the rest to the soldiers.

From thence he led his army to Veii, which he began to inclose within narrower bounds. He re-instated discipline in the camp, which had been observed with little regularity, and put an end to accidental and loose skirmishes between the walls of the city and the lines, by forbidding the troops to fight without orders. He employed them in useful and necessary works, and caused a great number of towers to be added to the intrenchments, which they had not before.

* The same as Ino sister of Semele, aunt of Bacchus, and wife of Athamas.

The most important work of all, and that ^{A.R. 359.} which cost most pains, was a mine. Camillus, ^{Ant. C.} seeing that there would be abundance of dan-^{393.} ger and difficulty in carrying the walls of the city by force, undertook to open himself a way under ground, the earth being of a very proper sort for digging, and capable of being cut at a sufficient depth for concealing the work from the enemy. To forward it, and at the same time to ease the workmen, he divided them into six bands, each of which worked six hours, and was then relieved by another. The work was carried on night and day without interruption till it happily extended to the citadel.

The Dictator, when he saw the richest city ^{Camillus} of Italy upon the point of falling into his hands, ^{upon the} in which more considerable spoils would be ^{point of} taken, than had been gained in all the prece-^{taking the} ding wars of Rome together; to avoid either ^{city, con-} drawing the anger of the soldiery upon him for ^{sults the} dividing them with too sparing a hand, or dis-^{Senate con-} satisfying the Senators by distributing them with ^{spoils.} too much profusion, he wrote to the Senate to inform it, “ That by the favour of the immortal Gods, his cares, and the patience of the soldiers, Veii would soon be in the hands of the Roman people. That therefore he desired they would direct him as to the use it was proper to make of the spoils.” The Senate were of two opinions. The one was that of Licinius the father, who being first asked by his son, replied, that he thought it most advisable, “ to give notice in the name of the Commonwealth for all such as were willing to share in the spoils to repair to the camp at Veii.” The other was the opinion of Appius Claudius. “ He thought, that to aban-
“ don

A.R. 359. “ don the spoils in that manner to all that had
 Ant. C. “ hands to take them, besides its being new,
 393. “ was attended with great inconveniencies ; that
 “ they would be plundered with profusion by
 “ chance and without choice, and with great
 “ inequality. That if it was not judged pro-
 “ per, that the money taken from the enemy
 “ should be brought into the public treasury,
 “ exhausted as it was by so many wars, he was
 “ of opinion, that it ought to be appropriated
 “ to the payment of the soldiers, which would
 “ be a relief to the People, and ease them of
 “ part of the taxes. That (a) thereby every
 “ house would be equally sensible of the fruits
 “ of this largess, and the rapacious hands of
 “ idle citizens would not deprive the soldiers
 “ of the rewards so justly due to their labours ;
 “ it being usually observed, that the bravest,
 “ and most forward in battle, were the least
 “ active and expert at plundering.”

To this Licinius replied : “ That if that
 “ money were brought into the public treasury,
 “ it would supply the People with eternal mat-
 “ ter of complaint, murmur, and sedition.
 “ That it was better therefore to regain their
 “ favour by a largess, which exhausted as they
 “ were by the contributions of so many years,
 “ would be a present relief to them. That it
 “ was but just, that all the citizens should par-
 “ take of spoils acquired by a war, in which
 “ they had in a manner grown old. That
 “ what each of them should carry to his own

(a) Eius enim doni socie-
 tatem sensuras æqualiter om-
 nium domus : non avidas in
 direptiones manus otiosorum
 urbanorum prærepturas for-
 tium bellatorum præmia esse :

cum ita ferme eveniat ut seg-
 nior sit prædator, ut quisque
 laboris periculique præcipu-
 am petere partem soleat,
 Liv.

“ house,

“ house, and take with his own hand from the A.R. 359
 “ enemy, would be far more agreeable than Ant. C.
 “ double or treble the value from another’s. 393.
 “ That the Dictator, in referring the affair to
 “ the Senate, had no other view than to spare
 “ himself envy and reproach. That the Senate
 “ on their side, ought in like manner to refer
 “ the whole to the disposal of the People, in
 “ permitting them to go and take the plunder,
 “ as chance should throw it in their way.”

The latter advice, which was the most popular for the Senate, seemed the best. Declaration was accordingly made, that such as were desirous to share in the plunder of Veii, had only to repair to the camp. How great the multitude of those that went thither was, it is easy to judge.

The Dictator then quitting his pavilion, after The city is having taken the auspices, and ordered the sol- taken by diers to arm: O Pythian Apollo, said he, means of a under mine. your guidance, and by your orders, I advance to ruin the city of Veii: I consecrate by vow the tenth part of the spoils to you. And you, Queen Juno, who now inhabit Veii, I implore that you will vouchsafe to follow * us the victors to our city, which will soon be yours, and where you shall be received in a temple worthy of your majesty.

After having finished these prayers, as his army was very numerous, he gave a general assault, and attacked the place on all sides, in or-

* The Pagans believed, that the tutelary Gods of a city left it, when it was upon the point of being taken by the enemies. *Excessere omnes adytis arisque relictis Dii, quibus imperium hoc steterat. Virg. Æn. l. 2. speaking of Troy. The Tyrians, when*

besieged by Alexander, imagined that Apollo was for leaving them, and going over to the camp of that Prince. They therefore chained his statue with a chain of gold to the altar of Hercules, to prevent the flight of that God. Diod. Sic. l. 17. p. 720.

A.R. 359. der to draw the besieged to the walls, and pre-
 Ant. C. vent them from knowing the real danger they
 393. had to fear. The Veientes, who did not know
 that their last hour was come, were eager to run
 in emulation of each other to the walls, not be-
 ing able to guess why the Romans, of whom
 none had appeared out of the lines for many
 days, advanced on a sudden, like mad-men, to
 attack the place on all sides.

A fabulous relation is inserted here, that the
 King of the Veientes was at this instant sacrificing
 to the Gods: that his diviner having inspected
 the entrails of the victim, cried out, that the
 Gods would give the victory to him who should
 make oblation of that sacrifice. That the Ro-
 mans, who were still under ground, upon hear-
 ing those words, immediately cut open the mine,
 and coming out of it with great cries and a
 dreadful noise of arms, so terrified the Veientes,
 that they put them to flight, and seized the en-
 trails of the victims, which they carried to
 Camillus. (a) *But*, says Livy, *in things of such*
antient date, I think it sufficient to take what is
probable for true. Incidents of this kind, which
are fitter for the stage, that delights in the mar-
velous, than for history, it is not worth while either
to affirm or refute.

I have repeated this passage of Livy expressly
 to shew, that he is not so credulous as some
 persons imagine. He lays down a very rational
 principle here, and puts us upon our guard
 against the propensity men have for the mar-

(a) Inferitur huic loco fa-
 bula.—Sed in rebus tam an-
 tiquis, si, quæ similia veri
 sunt, pro veris accipiantur,
 satis habeam. Hæc ad osten-

tationem scenæ gaudentis mi-
 raculis aptiora, quam ad fi-
 dem, neque affirmare, neque
 refellere, operæ pretium est.
Liv. l. 5. c. 21.

velous,

velous, that source of so many errors in history. A.R. 359.
Ant. C.

The chosen troops having successfully entered ^{393.} the citadel in the temple of Juno by the mine, dispersed themselves from thence into the city. Some attacked the soldiers behind who defended the walls: others pulled down the barriers and unbarred the gates in order to let in their companions: and many set fire to the houses to prevent the women and slaves from throwing down tiles upon them from the roofs. The Romans entered in throngs either through the gates or by the walls, which they scaled without resistance, the enemy having abandoned them. The whole city resounded with shrieks and lamentable cries. Nothing was seen every where but blood and slaughter: till Camillus caused proclamation to be made by a herald, that those should be spared, who laid down their arms. When the prisoners were disarmed and sent off, the signal was given to the soldiers to plunder the city.

Whilst they were employed in that manner, the Dictator, who from the greatness of the spoils conceived better than before the opulence of the city he had just taken, and the importance of his conquest (*a*), lifted up his hands to heaven, and implored the Gods, *If his own and the good fortune of the Roman People appeared too great in their sight, and that it was necessary to qualify it by some disgrace, that they would be pleased to make it fall upon him, and to spare the commonwealth.* After this prayer, adds Livy, Ca-

(*a*) Dicitur manus ad cœlum tollens precatus esse; Ut *am lenire suo privato incom-*
si cui deorum hominumque, ni- *modo, quam [id est, potius*
mia sua fortuna populiue Ro- *quàm] minimo publico populi*
mani videretur, eam invidi- *Romani liceret. Liv.*

A.R. 359. millus, turning round to the right, according
 Ant. C. to the custom of the Romans upon the like oc-
 393. casion, fell down upon the ground, which fall
 was afterwards thought a presage of his banish-
 ment, and of the taking of Rome by the Gauls.
 It is easy to adapt events after they happen to
 such omens.

The day after the taking of Veii, the prisoners were sold by auction, and the sums raised from them set apart for the public treasury. The People were much offended at Camillus on that account : and as to the plunder which they carried home, they believed themselves neither obliged for it to the Dictator, who, in referring an affair to the Senate that depended only upon himself, had sufficiently argued his ill-will ; nor to the Senate, which of itself had not appeared too well disposed in respect to them ; but solely to the family of the *Licinii*, who had strongly espoused their interest.

After all the profane riches had been removed from Veii, Camillus thought of accomplishing the vow which he had made of transporting the statue of Juno to Rome. For that purpose he chose out the handsomest young persons of the whole army. After having purified themselves well, and put on white robes, they approached the statue with the utmost respect and veneration, not daring to lay their hands upon it without a religious tremor, because according to the custom of the *Hetrurians*, only a priest of a certain family was permitted to touch her. To throw the marvelous into this fact, some add, that upon the Goddess's being asked by one of these young persons, *Whether she would be pleased to go to Rome?* she answered by a nod, or as others say, by words, *that she would*. Certain it is, that she was carried to mount *Aventine*,
 where

where a magnificent temple was erected for her, A.R. 359.
 which was afterwards dedicated by Camillus. Ant. C.

Such was the fate of Veii, the most opulent 393.
 city of all Hetruria, the greatness of which
 the ruin itself proves, as it could not be re-
 duced till after a siege of ten years, during
 which it made the Romans suffer greater cala-
 mities, than it endured itself, and as it was not
 taken by open force and assault, but surprize
 and stratagem.

When the news that Veii was taken came to Extraor-
 dinary joy
 at Rome.
 Rome, notwithstanding the answers of the di-
 viners, the oracle of Delphi, the exactitude
 with which all the duties of religion had been
 performed, the choice of the most able general
 of his times, in a word, though every thing,
 one would have thought, should have prepared
 People for that event; the length and difficul-
 ties of the siege, with the disgraces of the other
 generals who had carried it on before Camillus,
 made that news occasion incredible joy at Rome,
 as if entirely unlooked for, and contrary to the
 general expectation. The concourse of the Ro-
 man ladies in all the temples, whither they re-
 paired in throngs to return the Gods thanks,
 prevented the decree of the Senate, which or-
 dained solemn supplications and thanksgivings
 for a greater number of days than had ever
 been done before, that is to say, for four days
 together.

The Dictator's triumph was most magnifi- Triumph of
 Camillus.
 cent, and all the orders of the state made it a
 duty to do him honour in emulation of each
 other. Himself was willing to exalt the pomp
 by causing his chariot to be drawn by four
 white horses. It must be observed here, that
 the same colour was ascribed to the horses of

A.R. 359
Ant. C.
393.

the Sun and of Jupiter. (a) Every body took offence at this circumstance; and people judged, that the Dictator thereby exalted himself, not only above the condition of a citizen of a free state, but even above human nature. They imagined, that religion was violated, by the usurpation of an honour which appertained to the immortal Gods; and from thence alone, his triumph was more splendid than grateful in the eyes of the Romans.

What happens here in regard to Camillus, in other respects so full of wisdom and moderation, shews us, that there is a subtle poison in prosperity and popular applause, that imperceptibly glides into the heart, and causes in it a secret swelling, a false pride, against which the greatest and even the wisest of men find it difficult to defend themselves. On the other side, the People's general disgust of a thing that might appear inconsiderable enough, argues how high the Romans carried their respect for the Divinity.

Camillus, after having taken all the necessary measures for building the temple of Juno, and dedicated that of the Goddess *Matuta*, abdicated the Dictatorship.

Tenth of
the spoils
consecrated
to Apollo.

The Senate afterwards deliberated upon the vow Camillus had made, to consecrate the tenth part of the spoils to Apollo. The accomplishment of that vow, which the Pontiffs declared indispensable, was not easily effected. For how was it possible to make the People bring in all the spoils, in order to extracting from them the part due to the God? After long consultation,

(a) *Parum id non civile
mores, sed humanum etiam
visum. Jovis Solisque equis
æquiparari Dictatorem, in re-*

*ligionem etiam trahebant:
triumphusque ob eam unam
maximè rem clarior quam
gratior fuit. Liv. l. 5. c. 23.*

they.

they fixed upon the means that seemed the most A.R. 359.
 easy and natural; and was so in effect. This Ant. C.
 was by a public decree to inform all those who 393.
 were willing to clear their consciences, and assure
 the safety of themselves and families, to make
 a fair and just estimate of the plunder they had
 got, and to bring in the tenth part of it to the
 public treasury, in order to its being formed
 into a present of massy gold, worthy of the
 majesty of the God, the temple, for which it
 was intended, and of the grandeur of the Ro-
 man People. This necessity of contributing at
 their own expence to the gift designed for Apollo,
 still added to the People's disgust for Camillus.
 For, when interest is affected, respect for the
 Gods grows less warm and lively.

Peace was granted the Volsci and Æqui, less
 because they deserved it, than not to engage
 the People in a new war after that they had so
 lately undergone, and from which they were
 scarce well returned.

P. CORNELIUS Cossus, &c.

A.R. 360.Ant. C.392.Liv. l. 4.c. 24, 25.Plut. inCamill.P. 133.The Peopledemand tobe removedto Veii.

The ravages committed in the country of the
 Capenates, oblige them to demand peace, which
 they obtain. The war against the Falisci is con-
 tinued.

In order to appease the sedition, which be-
 gan to appear at Rome, the Senate consented to
 send a colony into the country of the Volsci,
 which was to consist of three thousand citizens,
 to each of whom three acres of land were allot-
 ted. The citizens refused to go thither, and
 were for settling at Veii, instead of being ba-
 nished into a remote country. They went so
 far as to demand that Rome and Veii should for
 the future constitute only one and the same city
 and commonwealth, in transporting half the

A.R. 360. People and Senate to the latter: a demand which
 Ant. C. will be urged hereafter with much greater
 392. warmth, and will soon excite great tumults at Rome. It found very strong opposition now from the Patricians, who protested that they would sooner die than ever suffer such a law to be proposed in the assembly of the People.

New difficulty concerning the extent to be given the vow of the tenth. Camillus cried out, in almost every assembly, that it was not surprising to see the People abandoned to a kind of madness and phrensy. That it was a visible punishment for their neglect to accomplish the vow made to Apollo. That without mentioning the Tenth of the spoils, his conscience would not suffer him to be silent upon another article that regarded the whole people; which was, that in the Tenth of Veii itself they included only the moveable effects, whereas the city and adjacent territory ought to be included in it, and were a part of the vow. The difficulty appeared very serious to the Senate. They submitted it to the consideration and judgment of the Pontiffs, who were all of the same opinion with Camillus. An estimate was made in consequence of the city of Veii, and the lands in its dependance. The amount

The Roman ladies divest themselves of their jewels to furnish the gold necessary for the present to Apollo. They are rewarded for it to their advantage. of that estimate was taken out of the public treasury, and the Military Tribunes were directed to purchase gold with it, to be employed in the present intended for Apollo of Delphi. As gold was very scarce in those times, the Roman ladies distinguished themselves on this occasion by a very laudable generosity. In an assembly of them, they unanimously resolved to carry in all their gold and jewels to the public treasury, and went to declare that resolution to the Military Tribunes. Nothing ever gave the Senate greater pleasure. And indeed, it was an instance of great courage, considering how

how much attached the ladies generally are to A.R. 360. their jewels. They sacrificed them however Ant. C. freely, not only to their country, but what highly 392. exalts the merit of the act, to religion. The Senate, to reward them, granted them several privileges: as to go to the sacrifices and games in chariots covered and suspended, called *pilenta*; *Pilentis* to be carried in the streets on festival-days and *matres* in at other times, in the open chariots, called *car-* *mollibus.* *penta*; and to be praised publicly after death, *Virg.* an honour granted before only to men. * The gold which they sent to the treasury was weighed, in order to their having the value returned them, and a great golden cup was made of it to be sent to Delphi. The Roman history has already supplied us, and will farther supply us, with many examples of the zeal of the ladies for their country, and of the attention of the Senate to reward all actions that bore the stamp of love for the public good. Nothing contributed so much to bind all parts of the state firmly together, and to attach them to the common interest.

I cannot conclude here, without observing how far the Romans, and Camillus in particular, carried their delicacy in respect of vows. They knew that a vow is an engagement taken with the Divinity himself, and a solemn promise that we make to him, from which we are not to depart in any thing for the future; and that if it be a crime to break our word with men, it is impiety and sacrilege to do so in respect to God.

* Plutarch makes that gold amount to eight talents, an almost incredible sum for those times. Eight talents of silver are eight thousand crowns: eight talents of gold, ten times as much, that is to say, fourscore thousand crowns [about 12000 l. sterling] only in jewels.

When

A.R. 361.
Ant. C.
391.

When the duties of religion were discharged at Rome, the Tribunes of the People began again to stir, and to urge their proposal of removing part of all Orders of the state to Veii. As the People saw, that nothing could be terminated before the end of the year, they nominated the same Tribunes who had first set the affair on foot for the year following. The Patricians did the same on their side, and continued almost all the same Military Tribunes.

S E C T. III.

Expedition of Camillus against the Falisci. Treachery of a schoolmaster, who delivers up his pupils: Generosity of Camillus, who sends them back to their Parents. The Falisci surrender themselves to the Romans. The deputies sent with a gold cup to Delphi, are taken by pirates. Generous conduct of Timasitheus their chief. Two Tribunes of the people condemned in a fine. Camillus strongly opposes the transmigration of the People to Veii. The Senate prevail upon the People by entreaties to reject the proposed law for removing to Veii. Death of one of the Censors. Voice heard by Cædicius concerning the Gauls. Camillus, accused unjustly by a Tribune of the People, prevents his condemnation, and retires into banishment to Ardea.

A.R. 361.
Ant. C.
391.

M. FURIUS CAMILLUS, &c.

*Expedition
of Camil-
lus against
the Falisci.*

Liv. l. 5.
c. 26--28.
Plut. in
Camill. p.
133, 134.

AS soon as the Romans saw themselves masters of Veii, they conceived thoughts of avenging themselves upon the Falisci, who had harassed them very much during the siege. Camillus was sent against them this year, and after

after having defeated them in the field (a), he A.R. 391.
took their camp, and caused all the spoils of it Ant. C.
to be sold for the benefit of the public treasury. 391.

His soldiers were much incensed against him on that account: but obliged to submit by his severity of discipline, they both hated and admired the virtue of their general. It remained to form the siege of the city, which was very strong, and perhaps in a condition to defend itself as long as Veii, if the good fortune of the commonwealth, and the virtue of Camillus, well known before in military affairs, but which shewed itself in a new form upon this occasion, had not hastened the victory.

All the young persons of the most illustrious *Treachery*
houses of Falerii were under the care of one *of a school-*
master. This man, in time of peace, usually car- *master, in*
ried them into the country without the walls to *delivering*
exercise themselves in sports suitable to their age. *up his pu-*
He had not discontinued this custom during the *pils: Ge-*
war, preparing the way for a treason for which *nerosity of*
he expected a considerable reward; and some- *Camillus,*
times he carried them nearer, sometimes farther, *who sends*
in order to have it in his power to execute his *them back*
design without suspicion. At length, finding *to their pa-*
the occasion favourable, he carried all the youth
confided to his care to Camillus, accompanying
so criminal an action with no less criminal dis-
course. He told that great man, in deliver-
ing up the children, whose fathers had the
principal authority in Falerii, was in effect
putting that city into his hands. But Camil-
lus, looking at him with a menacing air:

(a) Castra capta, præda ad
Quæstores redacta, cum mag-
na militum ira; sed severitate

imperii victi, eandem virtu-
tem & oderant, & miraban-
tur. Liv. l. 5. c. 26.

A.R. 361.
Ant. C.
391.

(a) *Traitor, said he, you do not address yourself with your impious present either to a general or a people that resemble you. We have indeed no express and formal alliance with the Falisci, but that which nature has established between all men, both does and shall subsist between us. War has its rights, as well as peace; and we have learned to make it with no less justice than valour. We are in arms, not against an age which is spared even in cities taken by assault, but against men, armed like ourselves; men, who without any previous injury from us, attacked the Roman camp at Veii. Thou, to the utmost of thy power, hast exceeded them by a new and different kind of crime: but for me, I shall conquer, as at Veii, by Roman arts, by valour, works, and perseverance. The traitor was not dismissed for this reprimand only. Camillus caused him to be stripped, and to have his hands tied behind him; and arming his young scholars with rods, he ordered them to drive him back into the city, and to scourge him all the way; which no doubt they did with a good will.*

*The Falisci
surrender
themselves
to the Ro-
mans,*

At this sight the Falisci, who had been inconsolable for the loss of their children, raised cries of joy. They were charmed to such a degree with so uncommon an example of justice

(a) Non ad similem, inquit, tai nec populum, nec imperatorem, scelestus ipse cum scelesto munere venisti. Nobis cum Faliscis, quæ pacto sit humano, societas non est: quam ingeneravit natura, utrisque est, eritque. Sunt & belli, sicut pacis, jura: justèque eæ non minus quàm fortiter didicimus gerere. Arma habemus, non adversam eam

ætatem, cui etiam captis urbibus parcitur; sed adversus armatos, & ipsos, qui nec læsi, nec læssiti à nobis, castra Romana ad Veios oppugnârunt. Eos tu, quantum in te fuit, novo scelere vicisti: ego Romanis artibus, virtute, opere, armis, sicut Veios, vincam. *Liv. l. 5. c. 27.*

and

and virtue, that in an instant they intirely ^{A.R. 361.} changed disposition in respect to the Romans; ^{Ant. C.} and instead of being possessed as before with a ^{391.} blind fury against them, so as almost to prefer perishing like Veii, to accommodating with them like the Capenates; they unanimously resolved that moment to have a peace with such generous enemies, at any price whatsoever. Accordingly they sent Deputies, first to the camp, and afterwards to Rome: where when they had audience of the Senate, they addressed themselves to it in these terms. *(a) Illustrious Fathers, conquered by you and your General, in a manner that can give no offence either to Gods or men, we are come to surrender ourselves to you: and we assure ourselves, than which nothing can be more glorious for victors, that we shall live happier under your government, than under our own laws. The event of this war has brought forth two excellent examples for mankind. You, Fathers, have preferred justice in war to immediate conquest: and we, excited by that justice which we admire, voluntarily present you the victory. We are now entirely yours. Send Persons to us to receive our arms, hostages, and city, of which the gates are open to you. You will have no reason to be dissatisfied with our fi-*

(a) Patres conscripti, victoria, cui nec deus nec homo quisquam invidet, victi à vobis & imperatore vestro; dedimus nos vobis: rati, quo nihil victori pulchrius est, melius nos sub imperio vestro, quam legibus nostris, victuros. Eventu hujus belli duo salutaria exempla prodita humano generi sunt.

Vos fidem in bello, quam præsentem victoriam, maluistis: nos fide provocati, victoriam ultrò detulimus. Subditione vestra sumus. Mittite, qui arma, qui obsides, qui urbem patentibus portis accipiant. Nec vos fidei nostræ, nec nos imperii vestri pœnitebit. Ibid.

delity,

A.R. 367. *delity, and we assure ourselves we shall have none*
 Ant. C. *to regret your power.*
 391.

And indeed as the Deputies of the Falisci say in this place, no praise can be so grateful, and so glorious for a state or a prince, as that the conquered People enjoy more tranquillity, and are more happy under them, than they were whilst they lived free and independent under their own laws. And this was actually the case with the states that submitted to the Romans. The farther we advance in their history, the more we shall discover, that their reputation for faith to engagements, equity, humanity, and clemency, contributed more than any thing besides to aggrandize the Roman empire.

Such was the success of the war against the Falisci, which acquired Camillus the thanks both of the enemy and his own country. A certain sum of money was exacted from the Falisci for the payment of the Roman troops for the current year, and to exempt the People from taxes: After which the army returned to Rome.

We see in the famous event, which we have just related, the power of Virtue, and what impression it is capable of making upon the mind of man when solid and sincere. Nobody can read this fact without feeling himself warmly affected with indignation for the perfidious master who gives up his scholars, and admiration for Camillus who sends them back to their parents. Sentiments of this kind are not free, and do not depend upon the will: they are implanted in the heart, they are a part of it, and born with us. We must therefore renounce nature, and suppress its voice, to believe, or to say, that virtue and vice are only names, without force and reality.

Camillus

Camillus, revered and admired for his justice A.R. 361. and integrity, re-entered Rome with a glory far Ant. C. more solid, than that of his superb and pompous 391. triumph, wherein he seemed to aim at equalling himself to the Gods he adored.

Immediately after his return, the Senate dispatched a ship of war with three Deputies, to carry the gold vase to Delphi. They were taken on their voyage by pirates of the island of Lipara, and carried thither. Their custom was to divide all the prizes they took amongst the inhabitants. Their principal magistrate this year was one Timasitheus, a man, says Livy, who resembled the Romans more in his manners, than his countrymen.

This man, full of respect as well for the God for whom the cup was intended, as for those who sent it him, and the motive which had induced them to make that offering, inspired the whole multitude, who generally form their opinions by those of their Leader, with the same sentiments of religion. After having entertained the Deputies magnificently, he determined to convoy them himself, and accordingly went with them to Delphi, and afterwards reconducted them to Rome. He was received in an highly honourable manner: The right of hospitality was conferred upon him by a decree of the Senate, and great presents were made him.

One of the Military Tribunes gained at this time a considerable advantage over the Æqui. The citizens still meditated the passing of the law for the transmigration of part of the People to Veii. To succeed in it, they continued those Tribunes in office who promoted it, whilst the Patricians, with their utmost efforts, could not continue those who opposed the demand of their colleagues. The Senate, to be revenged,
passed

A.R. 361. passed a decree for the election of Consuls, of
 Ant. C. which none had been chosen for fifteen years.
 391.

A.R. 362. L. LUCRETIVS FLACCUS.
 Ant. C. SERVIUS SULPICIUS CAMERINUS.
 390.

Two of the Tribunes of the People, who had been the two preceding years in office, were cited to take their trials before the People. Nothing could be laid to their charge, except opposing the law proposed by their colleagues. The Senate took abundance of pains to prevent them from sinking under the affair. Their endeavours were ineffectual, and the late Tribunes were condemned in a fine.

Camillus strongly opposes removing to Veii. Camillus, highly incensed at so crying an injustice, reproached the People warmly upon the occasion, and declared that if the excessive licentiousness of the Tribunes could not be checked by the opposition of some of their colleagues, the Senate well knew how to find another method for restraining it. But his zeal appeared most in the Senate, where he was incessantly haranguing with the utmost warmth against the law which occasioned so much trouble. He told the Senators, “ That upon the
 “ day when the law was to be proposed, they
 “ ought all to repair to the Forum as to a field
 “ of battle, where they were to fight for the
 “ temples and altars of the Gods, their firesides, and the place which had given them
 “ birth. That as to himself, if it were allowable for him to regard only his own interests,
 “ nothing could be more honourable for him
 “ than to see a city, which he had taken, peopled with a great number of inhabitants,
 “ where the monuments of his glory would continually present themselves to his eyes, where
 “ he

“ he could not make a single step without tread- A.R. 364.
 “ ing upon the traces of his victory ; and of Ant. C.
 “ which, in a word, the sight alone would ^{391.}
 “ continually renew his triumph. But that he
 “ believed it not, consistent with religion, and
 “ impious to conceive thoughts of inhabiting a
 “ place which its own Gods had abandoned,
 “ and that a free and victorious people should
 “ go to settle in a conquered city. He added,
 “ that it seemed impossible to him, that two
 “ such powerful cities should continue long at
 “ peace, live under the same laws, and how-
 “ ever form but one Commonwealth. That
 “ the two cities would insensibly form them-
 “ selves into two different states, which after
 “ having made war against each other, would
 “ in the end become the prey of their common
 “ enemies.”

These warm exhortations of Camillus had all *The Senate*
 the effect he could desire. The day when the *prevail by*
 People were to give their suffrages concerning *entreaties*
 the law, all the Senators, young and old, re- *to have the*
 paired in a body to the Forum, and dispersing *law for*
 themselves into their tribes, they addressed them *removing*
 selves to their fellow citizens of the same tribes, *to Veii re-*
 pressing their hands, and conjuring them with *jected.*
 tears in their eyes, “ not to abandon a country
 “ for which themselves and their fathers had
 “ fought with so much valour and success.”
 Then pointing to the Capitol, the temple of
 Vesta, and those of the other Gods near it,
 “ they implored them not to tear the Roman
 “ people from their native home, and house-
 “ hold Gods, to banish them into a strange
 “ and enemy city, and not to give reason for
 “ wishing that Veii had never been taken, that
 “ it might not have exposed Rome to so
 “ shameful a desertion.” As the Patricians

A.R. 362. employed only remonstrances, prayers, and
 Ant. C. tears, seconded with motives of religion, to
 390. which the People are very sensible, they suffered themselves to be overcome by that agreeable violence, whereas an air of command and authority would only have exasperated them. Of the tribes, there was a majority of one for rejecting the law.

Colors sent to inhabit the country of Veii. This victory gave the Senators such exceeding joy, that the next day a decree appeared, which granted seven acres of land not only to each father of a family, but also to every male infant in his house; so that every father might reckon, that each of his sons should possess seven acres in the territory of Veii. The intent of this decree was to induce the Romans to marry, and to enable them to bring up children, for the service of the Commonwealth. It is remarkable that the Senate never loses sight of this great principle of policy, to augment as much as possible the number of the People, wherein the principal strength of a state consists.

A.R. 363. L. VALERIUS POTITUS.
 Ant. C. M. MANLIUS.
 389.

These Consuls caused the great games vowed by Camillus during the war with Veii to be celebrated. The temple of Juno vowed at the same time was also dedicated now.

Death of one of the Censors. C. Julius, one of the two Censors, died this year; and M. Cornelius was elected to succeed him. As the city of Rome was taken during this *lustrum*, the idea of unfortunate was affixed to this substitution of a Censor in the room of one deceased; and it was decreed, that for the future, when a Censor died in his office, another

ther should not be substituted in his stead, and that his colleague should abdicate.

A.R. 363.

Ant. C.

389.

L. LUCRETIUS, &c.

A.R. 364.

Ant. C.

388.

Two of the Military Tribunes were charged with the war against the Volsci, and two more with that against the Salpinates. Those two people the year before, taking advantage of the plague, which raged at Rome, had ravaged part of the country bordering upon them. They were defeated and punished.

The same year, Cædicius, a Plebeian, informed the Military Tribunes, that late the night before, as he was walking in the street called *Via nova*, he heard a voice louder than that of a man, which ordered him to go and inform the magistrates, that the Gauls were coming. As Cædicius was a man of no note, and the Gauls besides a nation very distant, and for that reason little known, no stress was laid upon this account. And indeed did it deserve much?

Voice

heard by

Cædicius

concerning

the Gauls.

Liv. 5. 32.

Plut. in

Camil.

134, 135.

The Romans committed a much more real fault in respect to Camillus, whose signal services they rewarded with inexcusable ingratitude. Himself indeed had given some room for it; and the same perhaps may be applied to him, as Livy says of one of the first Fabii. That (a) great men more frequently want the art of governing their own people, than that of subduing the enemy. He opposed the multitude on all occasions, and without any reserve. He always appeared the most active and ardent in opposing all their caprices. The People, who soon forget past services, when those that did

Camillus

accused un-

justly by a

Tribune of

the People,

prevents

his con-

demnation,

and with-

draws in-

to banish-

ment to

Ardea.

(a) Adeo excellentibus ingenii citius defuerit ars quàm civem regant, quam quàm hostem superent. Liv. 2. 43.

A.R. 364. them oppose their inclinations, were thereby
 Ant. C. prepared to give a favourable hearing to the
 388. discourse of a seditious Tribune, who accused
 Camillus of having converted part of the spoils
 of Veii to his own use. The accusation was
 not only without foundation, but probability.
 That great man, who was besides highly afflict-
 ed for the loss of his son, a youth, lately dead,
 assembled his friends, and the principal persons
 of his tribe at his own house, in order to sound
 whether he had any thing to hope from their
 credit. Having consulted together, they all
 answered, that how passionate soever they might
 be for his service, they could be of no use to
 him with his judges, but that they would pay
 the fine for him. Seeing therefore that he had
 no justice to expect from a multitude blinded
 with hate, and that he should certainly be con-
 demned, as he was in effect, he did not stay to
 have sentence passed, but went into banishment
 to Ardea. Before he quitted the city, turning
 his eyes toward the Capitol, he prayed the Gods,
that if he were innocent, they would make his un-
grateful country regret his absence as soon as pos-
sible. This prayer of Camillus, so different
 from that which he makes to the Gods at the
 taking of Veii, agrees ill with his zeal for his
 country, and is a stain in his life. Aristides,
 condemned like him to banishment, shewed
 more greatness of soul in praying the Gods, *that*
no misfortune might befall the Athenians, which
might give them cause to remember Aristides, and
to stand in need of his services. He took refuge
 at Ardea, a city not far from Rome, where he
 was informed that he had been condemned in a
 fine.

Plot. in
 Aristid.
 p. 322.

For the rest, this kind of condemnations of
 the most illustrious citizens, usual enough at
 Rome,

Rome, which extended no farther than a fine, ^{A.R. 364} had a sufficient resemblance to the ostracism of ^{Ant. C. 388.} Athens. (a) The source of both the one and the other, at Rome and Athens, was the fear lest such citizens becoming too powerful, should invade the liberty of the public: a fear, which rendered all exalted merit, if not odious, at least suspected, and induced them to take excessive precautions to prevent its effects, and remove their often ill founded alarms. Cicero, who condemns this injurious delicacy, acknowledges it the effect of the republican genius and character. *We are not willing*, said the Ephesians, in banishing Hermodorus one of their principal citizens, the same who interpreted the Greek laws for the Roman deputies, *We are not willing that any person's merit amongst us, should be so peculiarly eminent as to set him above all the rest. But if any such person should arise, our will is, that he carry his merit into another country, and to another people.*

(a) Cum Ephesii civitate expellerent Hermodorum, ita locuti sunt: *Nemo de nobis unus excellat. Sed, si quis extiterit, alio in loco & apud alios sit.* An hoc non ita fit in omni populo? Nonne omnem exuperantiam virtutis oderunt? Quid! Aristides, (malo enim Græcorum, quam nostra, proferre) nonne ob eam causam expulsus est patria, quod præter modum justus esset? *Cic. Tusc. Quæst. l. 5. n. 105.*

S E C T. IV.

The city of Clusium besieged by the Gauls, implores aid of the Romans, who send ambassadors to the besiegers. Those ambassadors joining the people of Clusium in a sally, the Gauls raise the siege, and march for Rome. The Romans, who take the field against them, are seized with a panic, and entirely defeated near Allia. The Gauls advance to Rome. A small body of troops retire into the Capitol with part of the Senate. The Vestals and Priests charge themselves with the care of the sacred things. Courage of the old men who remain in the city. Piety of Albinus in respect to the Vestals who take refuge at Cære. The ancient Senators, in their robes of state, place themselves each at his door. The Gauls find Rome almost wholly abandoned. Massacre of the ancient Senators. The Gauls set the city on fire. They are repulsed in attacking the Capitol. Camillus defeats a considerable detachment of the Gauls near Ardea: Defeat of the Tuscans. Pious and bold action of Fabius Dorso. Camillus is declared Dictator by the Senate. The Geese save the Capitol. The Romans reduced to extremities capitulate. Camillus arrives that instant, and defeats the Gauls. They are entirely cut to pieces in a second battle. Camillus enters Rome in triumph. Reflections upon the taking of that city. The inhabitants of Cære rewarded. Temple erected to Aius Locutius. Honours rendered to the Geese.

A. R. 364.
Ant. C.
388.

*Clusium
besieged by
the Gauls,
implores
aid of the
Romans.*

Liv. 5.

33—36.

Plut. in
Camil.

135, 136.

Diod. Sic. is to say,

1. 321.

WE have seen that Camillus was rewarded for the services he had done his country, as many other great men have been; that Diod. Sic. is to say, with ingratitude. Soon after his departure,

parture, ambassadors arrived from the inhabitants of Clusium a city of Tuscany, which was then actually besieged by the Gauls lately arrived in the country, under the command of Brennus, to implore the aid of the Romans against those strangers, whose numbers, stature, and arms had spread terror on all sides.

Gaul, surnamed *Comata*, was anciently divided into three parts, Aquitania, Celtic and Belgic Gaul. The Gauls, of whom we are now speaking, were of Celtic Gaul. They were not the first who came to settle in Italy. In the reign of Tarquinius Priscus, about the 165th year of Rome, Ambigatus reigned over Celtic Gaul. That prince, finding those great provinces overpeopled, put Sagovesus and Bellovesus, two of his nephews, at the head of a great body of youth, whom he obliged to go in quest of settlements in foreign countries; whether that were a common practice in those times, as it was afterwards in the North down to the tenth century; or that Ambigatus had recourse to this expedient of military colonies, to rid himself of an ardent, restless, turbulent youth. However that were, the Leaders decided by lots the regions into which these swarms were to go to settle. Chance sent Segovesus over the Rhine, who taking his way thro' the (a) Hercinian forest, opened himself a passage by force of arms, and seized Bohemia and the adjacent provinces. Bellovesus turned towards Italy, and passed the Alps. He carried with him part of the inhabitants of Bourges, Auvergne,

(a) *The Hercinian forest in Suabia, where it is called covered a great part of the at this day the Black Forest, ancient Germany. It began and extended beyond Bohemia at the bank of the Rhine, and*

A.R. 364
Ant. C.
388.

the Senonois, Autun, Chartres, and some other countries, which formed a very numerous people. He settled in Insubria, where he built Milan. At the same time, another body of the Gauls, composed principally of the inhabitants of Mans (Cenomani) assisted by Belovesus, fixed in the same country, where they built Brescia*, Verona and some other cities. The same people afterwards made many irruptions into the parts adjacent to the lands their countrymen had possessed themselves of long before. At length the Gauls of whom we are speaking attracted into the country by the same views as their ancestors, were conducted thither by an inhabitant of Clusium called Aruns, in revenge of an injury which he had received from his fellow citizens. It is said that the charms of the wine, which Aruns carried to them, a liquor they did not know before, contributed not a little to induce them to pass the Alps, and undertake this march. To reward their guide, they formed the siege of Clusium.

Rome de-
putes am-
bassadors
to the
Gauls.

The inhabitants fearing to fall into the hands of the Barbarians, implored, as we have said before, the aid of the Romans, though they had no other motives for hoping it, but their not having armed in the late war in favour of the Veientes, as most of the other states of Hetru-ria had done. The Romans did not think it proper to send troops immediately to the aid of the Clusini. They contented themselves with de-puting three young Patricians to the Gauls: these were the sons of M. Fabius Ambustus. “Those
“ deputies were instructed to desire the Gauls

* The learned M. Scipio Brixia ac Verona, reads Brixia
Maffei corrects the text of ac Cremona.
Livy in this place, and for

“ in the name of the Senate and People of A.R. 364.
 “ Rome, not to attack the Clusini, who had Ant. C.
 “ done them no wrong; and to add, That 388.
 “ they should be obliged to take arms for their
 “ defence, if that were necessary: but that the
 “ method of remonstrances had appeared pre-
 “ ferable to them, and that they should be very
 “ glad to live at peace with the Gauls.”

The demand was reasonable and moderate, if it had been carried by any but men of a violent and haughty disposition. After the affair had been proposed in the assembly of the principal persons of the nation, Brennus, who was their King, or chief, replied: “ That the name
 “ of the Romans was little known to them;
 “ that however they believed them a brave and
 “ courageous people, as the Clusini had recourse
 “ to them in their danger: that as they had
 “ chose rather to employ the methods of paci-
 “ fication than their arms in defence of their
 “ allies, they on their side should not reject the
 “ offered peace, provided the Clusini, who pos-
 “ sessed more lands than they could cultivate,
 “ would agree to give up part of them to the
 “ Gauls, who were in want of it: that with-
 “ out that condition, there was no peace to be
 “ hoped. That they should be glad to receive
 “ their answer in the presence of the Roman
 “ deputies. That in case of refusal, they would
 “ give battle in the presence of the same Ro-
 “ mans, in order that they might be capable of
 “ letting Rome know, how much the Gauls
 “ excelled all other mortals in valour.” The
 ambassadors upon that asking with an haughty
 air and tone, “ What way of proceeding it
 “ was, to demand land of its possessors, and if
 “ not granted, to threaten them with war; and
 “ what right the Gauls had to Tuscany? *The*
same,

A.R. 364. *same*, answered they fiercely, *that you had to*
 Ant. C. *those of so many states as you are said to have dis-*
 388. *possessed of their lands. We carry our right upon*
the point of our swords. All things belong to the
valiant.

The embas-
sadors vio-
late the
law of na-
tions.

The Fabii, enraged at so haughty an answer, dissembled their resentment; and under pretence of desiring, in quality of mediators, to confer with the magistrates of Clusium, they demanded to enter the place. They were no sooner in the city, than instead of acting in the character of ambassadors, and discharging the function of ministers of peace, those Romans, who were too young for an employment which requires extreme prudence, abandoning themselves to their valour, and the impetuosity of their years, exhorted the inhabitants to make a vigorous defence. To set them an example of it, they put themselves at their head in a sally, the Fates, says Livy, urging on the destruction of Rome; and Q. Fabius, who was at the head of the embassy, advancing on horseback at the head of the army, killed with his lance one of the generals of the Gauls remarkable for his stature and appearance, and was universally known by the enemy, whilst he was stripping the person he had just killed of his spoils.

Jam ur-
gentibus
urbem
Roman
Fatis.

The Gauls
march a-
gainst
Rome.

The report immediately spread throughout the whole army. The retreat was immediately founded. The siege of Clusium was raised, and the Gauls thought only of avenging themselves upon the Romans. Many were for marching directly to Rome. But the advice of the elder persons prevailed, and it was much the wisest. They were of opinion, that it was proper to begin by sending deputies to Rome, to complain of what had happened, and to demand,

mand, that the Fabii should be delivered into their hands, for having violated the law of nations. After the deputies had made their complaints, and added their demand, the Senate was much perplexed how to act. They did not approve the action of the Fabii, and deemed the demand of the Barbarians just; but a vicious complaisance for young persons of their high birth, prevented the Senators from resolving as they well perceived there was a necessity for them to do. To extricate themselves out of this difficulty, and to avoid being answerable for the consequences, with which a war with the Gauls might be attended, they referred the affair to the decision of the People. Far from satisfying the Gauls, by punishing the embassadors as they deserved, the People carried their imprudence and folly to that excess, as to reward them by nominating them Military Tribunes for the following year, as if expressly to insult the Barbarians. The deputies, full of indignation, as one may well judge, and breathing nothing but war and revenge, returned to the army. Q. Sulpicius Longus, Q. Servilius, IV. Serv. Cornelius Maluginensis, were elected colleagues to the Fabii.

The Three FABII, &c.

A.R. 365.
Ant. C.

On the approach of so great a danger, as that which actually menaced the commonwealth, Rome, which in the wars against the Fidenates, Veientes, and other states in the neighbourhood, had often had recourse to the last and most vigorous of measures, in appointing a Dictator; in the present conjuncture, when an unknown and terrible enemy was advancing to attack it, that city, as if seized with a lethargy, used no extraordinary

387.
Liv. l. 5.
C. 37.- 49.
Plut. in
Camill.
137—
144.
Diod. l. 14.
P. 322—
324.

A.R. 365. extraordinary methods for its safety: (a) so
 Ant. C. much, says Livy, does Fortune blind men,
 387. when she is unwilling that they should avert her
 impending purposes.

When the Gauls were informed, that the violators of the law of nations, instead of the punishment they deserved, had been raised to the first dignities of the state, they were seized with rage; for patience was not the character of that nation, and immediately began their march. Their number, their appearance, their prodigious strength, and the fury that appeared in their aspects, spread terror and dismay in all the places through which they passed. They however committed no acts of hostility, and did no violence. They only cried out aloud wherever they came, "That they were going to Rome, " that their designs were solely against the Romans, and that they were friends to all other " people,"

The Romans who march against the Gauls are defeated at Allia. The news of the impetuous march of the Barbarians, which rumour, and the couriers dispatched by the Clusini, and by other states, had soon carried to Rome, occasioned great alarm and consternation. Troops were levied in haste, and without choice, to the number of forty thousand men. They advanced to the distance of four leagues from the city to meet the enemy, whom they found at the river of Allia, near the place where it empties itself into the Tiber. The army of the Gauls, which consisted of seventy thousand men, covered the whole country: The heideous cries, or rather howling, which they raised according to their custom, made the mountains at distance resound, and occasioned horror and confusion.

Eleven miles.

(a) Adeo occæcat animos gruentem refringi non vult.
 fortuna, ubi vim suam in- Liv.

The

The Military Tribunes took no care either to A. R. 365.
make choice of an advantageous post for their Ant. C.
camp, or to fortify it with fossés or palisades, 387.
in order to secure their retreat in case of misfortune; and were as remiss in respect to consulting the Gods by the auspices, and rendering them favourable by sacrifices; essential ceremonies with a people full of superstition, that derived their courage and confidence from propitious omens, imparted to them by the augurs. Full of rash boldness, they drew up their army in battle, the left sustained by the river, and the right by a mountain at no great distance. They gave little depth and much front to their troops, to avoid being surrounded by the enemy, who were far more numerous than the Romans. But in extending their wings in that manner, they exceedingly weakened their main body. Upon their right was a small eminence, where they posted their reserved troops. Brennus, general of the Gauls, apprehended That to be a stratagem, and that their design of it was, as soon as the battle began, to make that body of troops descend from the hill, and attack his army in flank and rear. He thought it necessary therefore to begin by charging that body of reserve, convinced that if he could drive them out of that post, superior as he was in number, he should soon defeat the enemy in the open field: for nothing escaped his attention, and he acted in all things like a great captain. On the contrary, in the other army, neither the generals nor soldiers shewed any thing of the Roman character. They were seized on a sudden with terror, and without attempting to fight, fled precipitately. The left wing, instead of making towards Rome, took the route of Veii, though they could not arrive there without passing

A.R. 365. sing the Tiber. Only the body of reserve made
 Ant. C. some resistance in effect of the advantage of
 387. their post: but it soon gave way as well as the
 rest. The slaughter was not made in the battle
 but the flight, because those that fled retarded
 each other. Most of the slain perished on the
 banks of the Tiber, whither the whole left wing
 retired, after having thrown down their arms.
 Many who did not know how to swim, or could
 not under the weight of their arms, were swal-
 lowed up in the waves. The rest escaped to
 Veii, from whence they did not so much as
 think of sending a courier to Rome, to carry
 the sad news of their defeat, so far were they
 from being in a condition to give it aid. Part
 of their right wing arrived at Rome, and spread
 the report that the whole army had been cut to
 pieces, and so it was universally believed. This
 day was afterwards called *the battle of Allia*, and
 placed in the number of those unfortunate days
 upon which no considerable affair was under-
 taken.

*The Gauls
 advance to
 Rome.*

After so compleat a victory, if the Gauls had
 pursued the Romans vigorously, nothing could
 have prevented Rome from being entirely de-
 stroyed, and all those within it from being put
 to the sword. But stupified, and in a manner
 drunk, with the joy of so sudden and unex-
 pected a success, they lost three days in collect-
 ing the spoils which they found in the Roman
 camp, and in making merry. That delay saved

*A small
 body of
 troops, and
 part of the
 Senate, re-
 tire into the
 Capitol.*

Rome. The citizens who remained there, re-
 sembled those who had fled so abjectly at the
 battle of Allia in nothing, and took all the pru-
 dent measures possible in such a state of perplex-
 ity and confusion. Seeing that there was no
 hopes of saving Rome with such a handful of
 soldiers, they resolved that the old men should
 remain

remain in the city, and that the flower of the Senate and People should enter the citadel and Capitol, with all the gold and silver in the city, arms and provisions, in order to be in a condition to defend the Gods, men, and the Roman name, from the top of that fortress. They

charged the priest of Quirinus and the Vestals with the care of carrying off the sacred things, and placing them in safety (a), being desirous that the worship of the Gods should not be discontinued, whilst any remained to perform it. They said, "That if the citadel and Capitol, the august abode of the Gods, the Senate that formed the public council of the state, and the youth of age to bear arms, survived the ruin that menaced the city, the loss of the old men, an useless number that remained in the place only to die there, did not deserve to be much regretted." And in order that this resolution might give the less pain to the inferior people, the old men, venerable for their age, the Consulships through which they had passed, and the triumphs with which they had been honoured, declared, "That they would die with the other citizens of no use to the commonwealth, and, as they were incapable of bearing arms, and defending their country, that they would not consume in vain the provisions of those, whom their years and strength enabled to sustain it." In this manner did the old men who were determined to die encourage and console themselves.

They afterwards addressed their discourse to the body of young people whom they followed to the Capitol and citadel, recommending to

(a) Nec ante deferi cultum Deorum, quam non superessent qui colerent. Liv.

their

A.R. 365, their strength and bravery the fate of a city,
 Ant. C. which for three hundred and sixty years had
 387. been victorious in all the wars she had undertaken.

It was the most affecting of sights, to behold, on one side, those who carried with them the whole hope and resource of their country, and on the other, those who were resolved not to survive its ruin, take their leaves of each other for ever, with a tenderness, and at the same time an elevation of courage, that no words can describe. The mournful cries of the women were heard on all sides, who not knowing to whom they should address themselves, to their husbands or children, sometimes followed the one and sometimes the other, asking them with words interrupted with groans and sobs, to what fate they were going to abandon them. The rest of the populace whom the citadel could not contain within so narrow a compass, and still less feed in so great a dearth of provisions, quitted the city in throngs, and took their way towards Janiculum. From thence they dispersed themselves, some about the country, and others into the neighbouring cities, without leaders to conduct or advise them, each following his own particular views, or abandoning himself to chance, without its being possible for them to form measures and resolutions in concert.

In the mean time the priest of Quirinus and the Vestals, solely intent upon taking care of the sacred things confided to their custody, consulted together upon what it was proper to carry away, what leave behind, and in what place such precious deposits might be most secure. What could not be carried away, was put into two great casks, and buried under the chappel of Quirinus. The Vestals divided the rest amongst them,

them, and took the way of Janiculum by the wooden bridge. A.R. 365.
Ant. C.

Amongst those who fled there was a Plebeian 387. called Lucius Albinus, who was driving off Piety of
Albinus in his wife, children; and most necessary move-regard to ables in a waggon. As soon as he saw the Vef-the Vestals, tals, carrying the sacred things in their arms who take with great difficulty on foot, whilst himself and refuge at
Cære. his family were at ease, he could not suffer that contrast; which seemed irreligious to him, and made his wife and children get down, threw out his goods, placed those virgins in his carriage, and drove them to Cære, the place to which they intended to go: so much reverence did Rome in so general a calamity retain for religion, and so well did she know how to support the preference due to divine things in respect of every thing whatsoever merely human.

Whilst all this passed, and after the citadel The an- had been as well supplied with every thing cient Sena- necessary for a good defence as the present con-tors seat
themselves juncture would admit, the old men, that is to at their say, some Pontiffs, and ancient Senators, ho-doors, dr:st noured either with triumphs or Consulships, not in their
robes of
state. being willing to survive either their country or past glory, preferred the death that waited them there to an uncertain and shameful retreat. But in order to retain to their last breath the marks of a dignity upon the point of expiring with them, they dressed themselves in their robes of purple and habits of state, and took their seats in their ivory chairs, each in the porch of his house. Some authors say, that they devoted themselves for their country in the same manner and form as the Decii did afterwards.

Brennus arrived at Rome three days after his The Gauls victory. Surprised to find the gates of the city find Rome open, the walls without defences, and all things almost en-
tirely

A.R. 365. as quiet as in profound peace, he suspected some
 Ant. C. stratagem. At length the continuance of that
 387. calm re-assured him. As two days had passed
 since the battle, which had not been very warm,
 and the Gauls did not take Rome by force,
 they entered it without the ardor and fierceness,
 which generally attend the taking of cities by
 storm, and advanced through the gate Collina
 to the Forum, casting their eyes on all sides to-
 wards the temples of the Gods, and the citadel,
 which alone had some appearance of war. Hav-
 ing posted some troops to keep guard there a-
 gainst any sallies, that might be made from the
 citadel or Capitol whilst they were employed in
 plundering, they dispersed themselves into the
 different quarters of the city, finding the streets
 every where empty and abandoned.

*Massacre
 of the an-
 cient Sena-
 tors.*

After some excursions, they returned to the
 Forum. All the houses of the common people
 were shut, only some of a greater appearance
 than the rest were open. The Gauls entered
 them, and found the old men there, who
 had devoted themselves to death. This kind
 of devoting themselves was a part of religion,
 and the Romans were convinced, that the vo-
 luntary sacrifice made by their generals of their
 lives to the infernal gods, occasioned disorder
 and confusion to the enemy. The Gauls ad-
 mired those old men, as they sat with all the
 ornaments of the dignities through which they
 had passed in their ivory chairs, whilst they
 kept a profound silence, and neither rose up at
 the approach of the enemy, nor changed coun-
 tenance, but continued calmly supporting them-
 selves on their staves of ivory, without expressing
 the least sign of fear. Astonished at so sur-
 prising a sight, they continued long without
 daring either to approach, or touch them; not
 only the august purple of their robes, and the
 extra-

extraordinary splendor of their appearance, but A.R. 365, Ant. C. the grave and majestic air of their countenances, making the Gauls behold them as so many Divinities. 387. One of them, bolder than the rest, approached M. Papirius, and gently stroked his beard, which was very long, according to the custom of those times. Papirius on that freedom struck him with his staff over the head, which so much enraged the soldier, that he drew his sword and killed him. This was in a manner the signal for the slaughter. They then killed all the rest of the old men upon their seats, put all they met to the sword who had not been able to escape, plundered the city, and set it on fire in several places.

It however did not appear to be the design of *The Gauls* the Gauls to destroy the city of Rome entirely; *set fire to the city.* but to induce the besieged, by the sight of their smoking houses, to surrender. The flames in consequence did not do all the havock the first day there was reason to fear. The Romans, shut up in the Capitol, and who from thence saw the enemy dispersed all over the city, followed all their motions with their eyes, struck every moment with new matter of terror; and in the highest anguish on all they saw and heard, were quite out of their wits, and stupified with their grief. They turned their eyes sometimes on one side, sometimes on another, according as the cries of the Gauls, the shrieks of women and children, the glare of the flames, and the crash of falling houses, denounced some new disasters, and seemed placed expressly on the top of the Capitol to be the sad spectators of the ruin of their country.

This first day so full of trouble and agitation, was followed by a night, which the horror of darkness rendered still more terrible; and every

A.R. 365. day only added some new misfortune to that
 Ant. C. which went before it. However, overwhelmed
 387. with so many evils, with the whole city on fire
 before their eyes, they continued obstinately de-
 termined to defend to their last drop of blood,
 and latest breath, the little hill confided to their
 valour, the only asylum and last hope of
 Rome's preservation and liberty. The conti-
 nual view of so dreadful a scene, which every
 day repeated itself to their eyes, had inured
 them in such a manner to their own calamities,
 that they seemed entirely insensible of them, and
 regarded no longer any thing but their arms
 and swords, their only hope and resource from
 thenceforth.

*They are
 repulsed in
 attacking
 the Casti-
 tol.*

The Gauls on their side, who for some days
 had made war only upon the houses by burning
 them, in hopes that the flames and ruins of the
 city would induce the besieged to surrender,
 seeing them insensible to all these evils, and re-
 solved to defend themselves to the last, deter-
 mined to attack them in form. Having there-
 fore given the signal at day-break, and drawn
 up their army in the Forum, they advanced in
 good order to the hill with great cries, cover-
 ing their heads with their shields in the form of
 tortoises against the darts and stones that might
 be discharged upon them from above. The
 Romans, without trouble or confusion, after hav-
 ing posted guards on all the avenues, and dis-
 posed their best troops against the attack,
 suffered the enemy to ascend, concluding that
 the higher they advanced, the more easy it
 would be to drive them down the steep decli-
 vity. Accordingly they halted in the midst of
 the descent, and falling upon the Gauls with im-
 petuosity from that eminence, bore them down
 and entirely routed them, so that from thence-
 forth,

forth, dismayed by so vigorous a defence, they ^{A.R. 365.} were afraid to expose themselves to the danger ^{Ant. C.} of a second attack. In consequence, having lost ^{387.} all hopes of carrying the citadel by assault, they turned the siege into a blockade, and the rather because not having judged that it would be so long, they had not taken the precaution to preserve the corn that was in the city, but had let it burn with the houses; and as for that in the country, the Romans were no sooner arrived at Veii, than they took care to carry it into that place.

The Gauls therefore divided their army. ^{Camillus} Part of it remained with Brennus their king, to ^{defeats a} continue the siege; the other, in detached par- ^{consider-} ties, dispersed themselves about the country to ^{able de-} forage, and to plunder the villages, with ex- ^{tachment} treme confidence in their good fortune. Chance ^{of the} conducted the greatest body of these towards the ^{Gauls near} city of Ardea, where Camillus since his banish- ^{Ardea.} ment had lived as a private person, more afflicted for the misfortunes of Rome, than for his own. He could not comprehend any thing of what had lately happened to his country, and in the greatest surprize asked himself, what was become of those Romans who had taken Veii and Falerii with him, and who in all wars had ever been more courageous even than successful. In the midst of these sad reflections, he was informed that the army of the Gauls approached, and that the people of Ardea, trembling and in the highest affliction, were deliberating upon the measures it was necessary for them to take. Camillus, as if prompted, says Livy, by some divine impulse, immediately repaired to the assembly, where it was not his custom to appear, and seeing them in great perplexity and discouragement: *People of Ardea,* said

A.R. 365. said he to them, always my friends, and now
 ANL. C. my fellow-citizens, if you see me appear in this
 387. place contrary to my custom, do not believe that I
 have forgot my present state and situation; but the
 danger which threatens us, obliges every one to
 do his utmost to provide against it. And indeed
 when will it be in my power to be grateful for the
 important services you have done me, if not at
 present; and in what can I be of use to you, if
 not in war? It was by that I supported my credit
 in my own country. After having been always suc-
 cessful in arms, my ungrateful citizens expelled
 me during peace. As for you, Ardeates, fortune
 presents you a fair occasion of expressing your gra-
 titude to the Roman people for all the favours you
 have received from them, of which your own remem-
 brance makes it needless for me to put you in mind;
 and at the same time to acquire your city immortal
 glory by the defeat of the common enemy. The
 Gauls, who are advancing hither in great bodies,
 are a nation to whom nature has given greatness of
 size, and impetuosity of courage, rather than
 firmness of body and constancy of mind; and in
 consequence they carry with them more terror than
 force to battle. Their victory itself, and present
 conduct, are a good proof of what I say. If they
 defeated us at the battle of Allia, that success is
 not to be ascribed to their bravery, but to fortune,
 who upon that occasion displayed her whole power.
 What have they since done? They have made
 themselves masters of a city, which they found
 entirely open. A handful of soldiers, who shut
 themselves up in the Capitol, make head against
 them. Disgusted by their resistance, the siege ap-
 pears already too long and tedious to them: they
 remove from it, and disperse themselves over the
 country: Full of meat and wine, with which they
 hastily glut themselves, as soon as night comes on,
 they

Τῆς τοῦ
 ἐπιδοῦ
 ἀγῶνι
 ἔστι.

they lie down upon the earth like beasts along the sides of rivers, without intrenchments, guards, or sentinels; and their late success serves only to augment their customary negligence. If you would defend your city from being attacked by them, and prevent the whole country from falling into their hands, take arms in the middle of the night, and follow me, not to a battle, but a certain slaughter. If I do not put the Gauls fast in the bonds of sleep into your hands to be butchered at discretion, like so many brute beasts, I consent to be treated at Ardea as I have been at Rome.

Every body knew that Camillus was the greatest captain of his time, and he found no difficulty in persuading the Ardeates. The Gauls returning laden with spoils, encamped in disorder and with abundance of negligence; and both officers and soldiers had no thoughts but of drinking; not believing they had any other enemies, except those shut up in the Capitol. Night found them full of liquor, and brought a deep sleep upon them. Camillus, informed of their condition by those he had sent to view them, made his troops quit Ardea, and having marched all the way between the enemy and that city, arrived where they lay about midnight. At first he made all his troops raise great cries, and commanded the trumpets to sound to terrify the Barbarians, who on so great a noise scarce recovered from their sleep and drunkenness. It was not a battle but a slaughter. Whilst they started up half asleep, they were killed without resistance. Some endeavouring to escape by flight, threw themselves into the enemy's hands. The greatest part of them, who had escaped into the country of Antium, were killed by the inhabitants, who fell upon, and cut them to pieces.

A.R. 365.
Ant. C.
387.
*Defeat of
the Tus-
cans.*

The Tuscans experienced a like fate in the territory of Veii, and they deserved it still better than the Gauls. Far from being moved with the misfortune of a city, settled almost four hundred years in their neighbourhood, and ruined by an enemy unknown till then, they made incursions at that very time into the lands of Rome, and laden with booty, had even formed the design of attacking Veii, the last resource of the Romans who had retired thither. Some soldiers perceived them, and observed their camp at no great distance. They gave their companions advice of it, who were seized with indignation, and were immediately for marching against them. The Centurion Cædicius, whom themselves had chosen for their chief, checked their ardour, and made them suspend it till night. The name and authority of Camillus were all that were wanting on this occasion; all the rest was conducted with the same good order, and had a like success. The next day also they obtained a second advantage over another body of Tuscans still greater than the first; and with that double victory returned exulting and triumphant to Veii.

*Pious and
bold action
of Fabius
Dorso.*

In the mean time the siege of the citadel was continued, and both sides remained without acting, the Gauls being solely intent upon preventing any one from quitting the place, and passing their guards. Things being in this situation, a young Roman, by an action of exceeding boldness, drew upon himself the admiration as well of the enemy as of his own citizens. There was a sacrifice peculiar to the house of the Fabii, which was to be made on a certain day upon mount Quirinalis. C. Fabius Dorso, dressed in a robe suitable to this ceremony, came down from the Capitol, carrying
the

the sacred things in his hands, passed through A.R. 365.
the enemies guards, without regard to the noise Ant. C.
and expressions they used, and arrived at mount 387.

Quirinalis. After having performed there all the necessary ceremonies, he returned by the same way with equal gravity, and entire confidence that he would not fail of the protection of the Gods, whose worship he preserved at the hazard of his life. He returned happily to the Capitol: whether (a) the Gauls were amazed at the boldness of an action that had something of prodigious in it, or were actuated also by a sense of religion, to which that nation, as Livy observes here, were by no means insensible.

The fame of the victory gained by Camillus *Camillus*
over the Gauls soon spread through all the neigh- *is declared*
bouring cities, and inclined great numbers of *Dictator*
youth to join that general, and especially the *by the Se-*
Romans who had taken refuge at Veii after the *nate.*
battle of Allia. All these troops joined together formed already a sufficiently numerous army. They only wanted a chief, and had not long to deliberate upon the person. They unanimously sent deputies to Camillus, to desire him to take upon him the command as general.

He replied, that he would not accept it, till the citizens in the Capitol had confirmed their choice by their suffrages: that as long as they were in being, he should consider them as the body of the commonwealth, and obey them with entire submission; so much (b) did decency sway in all things, and so exactly was the order prescribed by the laws observed, even at a time

(a) Seu attonitis Gallis miraculo audaciæ, seu religione etiam motis, cujus haudquam negligens est gens. *Liv.*

(b) Adeo regebat omnia pudor, discriminaque rerum prope perditis rebus servabantur. *Liv.*

A.R. 365. wherein every thing was in a manner entirely lost
 Ant. C. and desperate.
 387.

The wise reserve and noble deference of Camillus to the customs of the state were admired: but there was nobody to carry the news to the Capitol. It even seemed entirely impossible for any one to find entrance into a citadel, shut up so close by enemies, who were masters of the city. A young Roman, named Pontius Cominius, undertook that important but dangerous commission. Supported by corks he swam down the Tiber, came to the gate *Carmentalis*, where the silence was greatest, and on the side of which the ascent to the Capitol was steepest. He clambered up the rock without being perceived, and arrived not without great danger and difficulty at the posts of the first sentinels. After having told them his name, they received him with joy, and carried him to the magistrates. The Senate immediately assembled. Pontius returned by the same way with the like good fortune, and carried back the decree of the Senate to the Romans, which gave them great joy. Camillus immediately put himself at the head of the army.

*The geese
 save the
 Capitol.*

Whilst what I have just related passed at Veii, the citadel and Capitol were in extreme danger. The Gauls, whether they had perceived some prints of a man's foot at the places where Pontius had passed, or had discovered of themselves that the rock was not so impracticable as it was believed, undertook to ascend it. At midnight they began to climb it in files, laying hold of the herbage and bushes which grew upon the sides, and whatever else they could fasten on, and assisting one another with their hands as much as possible in places of such difficulty. They got in this manner to the foot
 of

of the wall, which was not very high on that side, because the steepness of the place made it seem in no danger of attack. (a) This they did with such silence, that they not only did not wake the sentinels, but even the dogs, animals apt to stir at the least noise. They did not however deceive the geese. Out of respect for Juno, to whom they were consecrated, the Romans, in an extreme dearth of provisions, had spared and abstained from eating them. M. Manlius, who had been Consul three years before, awakened by the cry of the geese, and the beating of their wings, gave the alarm. Whilst others were assembling, he ran to the wall, and with his buckler beat down one of the Barbarians, who had already laid hold of the battlements in order to enter the citadel, and threw him down the precipice. His fall occasioned that of several that followed him. The Romans, with stones and darts, precipitated all the rest from the top to the bottom of the rock. In this manner the citadel was saved.

The tumult being appeased, the remainder of the night was devoted to repose, as much as that was possible after so great an alarm. The next day at sun-rise the assembly was summoned. Manlius received the praises he had so well deserved. Both the officers and soldiers believed themselves obliged to instance their gratitude for him, and each gave him what they were allowed for one day's provisions, that is to say, half a pound of wheat, and a quarter of a pint of wine : a reward (b) small in itself, but one which

(a) Tanto silentio in summum evasere, ut non custodes solum fallerent, sed ne canes quidem, sollicitum

animal ad nocturnos strepitum, excitarent. *Liv.*

(b) Rem dictu parvam : cæterum inopia fecerat eam argumentum

A.R. 365.
Ant. C.
387.

which the extreme scarcity of provisions made very considerable, and which shewed how dear Manlius was to the whole army; each consenting with joy to retrench from his own necessaries in order to do honour to one man.

The sentinels of the post by which the enemy had crept to the top of the citadel, were afterwards cited to answer for themselves. Q. Sulpicius, who commanded in chief, condemned them all to die according to the laws of military discipline. But all the soldiers laying the fault upon one only, Sulpicius spared the rest, and caused the criminal to be thrown down from the top of the rock. The guards from thenceforth were kept on both sides with much greater vigilance and attention.

The Gauls, tired with the length of the siege, which had already continued six months, began to lose courage. Famine made itself sensible in their camp, almost as much as in the citadel. Camillus had seized all the passes, and the Gauls could not disperse in quest of forage, without exposing themselves to the danger of being cut to pieces. Thus Brennus, who besieged the Capitol, was in some measure besieged himself, and suffered the same inconveniences which he made the besieged undergo. Besides which, the pestilence was in his army, in consequence of its being encamped in the midst of heaps of dead bodies piled upon each other, and amidst the ruins of houses burnt down, of which the ashes, that lay very deep, corrupted the air in such a manner by their dryness and acrimony, when driven by the wind and heated

argumentum ingens caritatis,
cum se quisque victu suo frau-
dans, detractum corpori at-

que usibus necessariis ad ho-
norem unius viri conferret.
Liv.

by

by the sun, that the troops respired nothing but A.R. 365:
à subtile poison, which preyed upon their vitals. Ant. C.

That excess of heat, the more insupportable to 387.
the Gauls, as they were accustomed to live in
cold and covered countries, and were actually
now in low unwholesome places, especially in
autumn, occasioned so furious a plague in their
camp, that they buried the dead no longer, the
number of them was become so great.

This extremity of the Gauls did not render
the condition of the besieged the better. The
famine, which augmented every day, distressed
them on one side; and on the other the igno-
rance of what Camillus was doing, for they
could receive no advice from him, gave them
the most cruel anxiety.

Things being in this condition, both sides *The besieged are reduced to extremities and capitulate.*
agreed upon a suspension of arms, during which,
by the consent of the Generals, the troops had
frequent intercourse with each other. As the
Gauls relied exceedingly upon the extreme scar-
city of provisions in the Capitol, and did not
doubt in consequence that the Romans would
soon be reduced to surrender, the latter to re-
move such thoughts, and obviate that confidence,
caused loaves to be thrown from several parts of
the Capitol into the posts of the Barbarians.

But this stratagem, far from diminishing the
famine, augmented it, and rose to such an
height, that it was no longer possible to sup-
port it. Whilst the Dictator was levying
troops at Ardea in person, and had ordered
L. Valerius, whom he had appointed general of
the horse, to march the troops from Veii, and
was putting himself in a condition to attack the
enemy with advantage; the army in the Capi-
tol suffered excessively, and was reduced to the
last extremities. Exhausted by fatigue and
watch-

A.R. 365. watching, which continually succeeded each other,
 Ant. C. after having by incredible courage and fortitude
 387. surmounted all human evils, but not being able to resist famine, insuperable to nature, in expectation every moment of the arrival of some aid from the Dictator, they saw at length not only provisions, but all hopes fail them, whilst their feeble bodies were incapable of service, though the same labours and watchings returned every day. The army, in this condition, demanded absolutely either to surrender or to ransom themselves on such conditions as they could, and the more because the Gauls insinuated clearly enough in their discourse, that they would consent to raise the siege in consideration of no very great sum of money.

About
 45000 l.
 sterl.

With these general views, the Senate assembled, and gave the Military Tribunes full power to negotiate an accommodation, which was soon concluded between Sulpicius one of them, and Brennus king of the Gauls. It was agreed, that the besieged should pay a thousand pounds weight of gold, after which the Barbarians should withdraw their army out of the city and territory of Rome. Such was the price of a People destined one day to command the universe. Both sides immediately applied to weighing the gold. The Gauls were not ashamed to employ false weights in their scale, and when the Tribune complained of it, Brennus threw also his sword into it, adding with a tone of raillery the most insupportable of all expressions to a Roman, *Væ Victis! Woe to the conquered!*

Camillus
 arrives
 unexpectedly,
 and
 defeats the
 Gauls.

The injustice was too flagrant to take place, and the shame of living upon the terms of being ransomed too great for the Romans. That very instant Camillus arrived unexpectedly with his army. He advanced with a good guard to the

the place of conference ; and having been in-^{A.R. 369.}
 formed of what had passed : *Carry back that gold*^{Ant. C.}
into the Capitol, said he to the deputies of the^{387.}
 Romans ; *and as for you, Gauls*, added he, *retire*
with your weights and scales ; it is with the sword
only, that the Romans ought to redeem their coun-
try. Brennus, surprised at that haughtiness,
 which he had never before experienced from any
 Roman, represented to him, that he acted in
 contravention of a treaty concluded in all the
 forms. Camillus replied, that from the time he
 was declared Dictator, all treaties concluded
 without his participation, were entirely void :
 he then bade the Gauls prepare for battle. He
 exhorted his troops to remember, “ That they
 “ were now to fight in the view of the tutelary
 “ Gods of Rome, upon the very soil of their
 “ native city ; in a word, in the midst of all
 “ that was dearest and most valuable to them
 “ in the world.” He then drew up his army
 in the best order of battle possible, amidst ruins,
 and on uneven ground, and omitted nothing
 that might conduce to his success. The Gauls
 on their side stood also to their arms, and ad-
 vanced to engage, prompted rather by their
 anger against the Romans, than prudence and
 counsel.

The (a) face of things was much changed
 now, says Livy ; for the protection of the gods
 and human wisdom united in favour of the Ro-
 mans. In consequence the Gauls were defeated
 at the first charge, with the same ease as them-
 selves had defeated the Romans at the battle of
 Ailia. They were a second time routed more
 compleatly by the same Camillus at eight miles

*The Gauls
 cut to pie-
 ces in a se-
 cond bat-
 tle.*

(a). Jam verterat fortuna: jam deorum opes humanaque
 consilia rem Romanam adjuvabant. *Liv.*

from

A.R. 365. from Rome, on the Gabinian way, whither they
 Ant. C. retired immediately after the first battle. There
 387. they were all put to the sword, their camp plun-
 dered, and not one of them left to carry home
 the news of their defeat.

Thus was Rome, which had been taken in so
 surprising a manner, recovered in a manner still
 more surprising, after having been seven months
 in the hands of the Barbarians : for they entered
 it on the 15th of July, and were driven out of
 it about the 13th of February.

Polybius relates the retreat of the Gauls in a
 very different manner from the account I have
 just given of it after Livy, and does not say a
 word of their being twice defeated. But that
 the reader may judge the better of what he says,
 I add the passage. “ Soon after, the Gauls
 “ having defeated the Romans and their allies,
 “ in a pitched battle, and put them to flight,
 “ they drove them on during three days as far
 “ as Rome, all of which they seized, except the
 “ Capitol. But the Veneti having made an ir-
 “ ruption into their country, they made an ac-
 “ commodation with the Romans, restored them
 “ their city, and returned with the utmost ex-
 “ pedition to defend their own territory.” We
 must observe here, that Polybius does not enter
 into a circumstantial account of this great event,
 and contents himself with giving a general idea
 of it.

*Camillus
 enters
 Rome in
 triumph.*

Camillus returned in triumph to the city,
 which received him as the Deliverer of his coun-
 try, bringing back Rome itself to Rome. For
 the Romans, who had been out of it during the
 siege, followed his chariot with their wives and
 children : and those who had been besieged in
 the Capitol, and had seen themselves on the
 point of perishing with hunger, fatigues, and
 misery,

misery, went out to meet them, and embracing each other, shed tears of joy for so amazing a success, in respect to which they could scarce believe their eyes, so unexpected and improbable it seemed. The priests of the Gods, and the sacred ministers of the temples walked in the procession, carrying all the sacred things, which they had either buried when they fled from Rome, or carried away with them; and the Romans, intent upon a spectacle so grateful and so much desired, felt the same pleasure and joy, says Plutarch, as if the Gods in person had re-entered the city with them.

A.R. 365.
Ant. C.
387.

The day on which the same Camillus left Rome to go into banishment, seemed very different from this, when he entered it in the midst of the cries of joy, and the applauses of all the citizens. If we may believe Cicero, the first was no less for his glory: he speaks of the great men who had been recalled from their banishment, and of Camillus in particular. “ Their disgrace (*a*), says he, far from diminishing, served only to exalt their glory. For though it be more desirable to pass through life without injury and affliction, however, with respect to immortal glory, it is better to be regretted and desired by one’s country, than never to have been injured.” Such is the language of Cicero, who always idolized glory. And we may add, that adversity brings many virtues to light, which prosperity would have kept obscure and concealed.

(*a*) *His damnatis non modo non imminuit calamitas clarissimi nominis gloriam, sed etiam honestavit. Nam, etsi optabilius est cursum vite conficere sine dolore &*

sine injuria, tamen ad immortalitatem gloriæ plus affert desideratum esse à suis civibus, quam omnino nunquam esse violatum. Cic. Pro domo sua, n. 86.

A. R. 365.
Ant. C.
287.
Reflections
upon the
taking of
Rome.

The taking of Rome by the Gauls is one of the most famous events in the Roman history; and it is not (*a*) easy to say, whether it was more unhappy to the Romans through the extreme misfortunes and calamities with which it was attended, than glorious from the shining proofs of patience, fortitude, valour, and respect for religion, which they gave. But what seems most remarkable, and most worthy of our reflections, is the view of the secret springs which occasion the loss of battles, the ruin of nations, and the sudden revolutions which happen in states, when it pleases God to abandon them. This truth, so often inculcated in the holy Scriptures, is here clearly attested by the Pagans themselves, and becomes evident if we consider only the events.

Rome, at the time of which we are speaking, was triumphant; and never had her glory and power appeared with greater lustre. The considerable number of her troops, the invincible courage of her soldiers, the ability and reputation of her generals, and especially of Camillus, the frequent victories recently gained over all her neighbours, seemed to have placed her in perfect security, and to have left her no room for fear and disquiet. Rome however is in an instant taken, plundered and entirely burnt and destroyed. How then could so sudden a change happen? Is Camillus dead? Does the Senate, so wise and prudent, subsist no longer? The Roman troops, are they annihilated in an instant? The victorious and invincible hands of the soldiery, are they benumbed and struck motionless only at the appearance of the Gauls;

(*a*) Quod tempus populo Romano nescio utrum clade funestius fuerit; an virtutum experimentis speciosius. *Flor. l. 1 3*

This

This seems incredible, and however happened A.R. 365.
literally on the present occasion. Ant. C.

God sometimes deprives Generals of all cou- 387.
rage and ability; he leaves Camillus those ad-
vantages at this time, but renders them useless,
by permitting the Romans to banish a citizen,
whose presence, if any human resource might
be relied upon, would certainly have prevented
the taking of Rome: *Expulso cive, quo ma-* Liv. 5.
nente, si quicquam humanorum certi est, capi Ro- 33.
ma non potuerat.

The Senate, that body so venerable for its
wisdom and the maturity of its deliberations (*a*),
send as ambassadors to a strange and unknown
people, young Senators inconsiderate and vio-
lent, and more like the Gauls than the Ro-
mans. And afterwards instead of delivering
them up to the Gauls, for having violated the
law of nations in respect to them, it suffers
them to be raised to the highest dignities of the
state.

But in what manner does the army behave at
the battle of Allia? (*b*) Nothing that resem-
bles the Romans is to be seen either amongst
the Generals or the soldiers. There are neither
(*c*) prayers, auspices, nor sacrifices before the
battle; things never omitted by this people.
No care was taken to chuse a good camp, and

(*a*) *Mitis legatio, ni præ-
feroces legatos, Gallisque ma-
gis quam Romanis similes,
habuisset. Liv. 5. 36.*

(*b*) *In altera acie nihil si-
mile Romanis, non apud du-
ces, non apud milites erat.
Pavor fugaque occupaverat
animos — Ignotum hostem
prius pene quam viderent,
non modo non tentato certa-*

*mine, sed ne clamore qui-
dem reddito, integri intac-
tique iugerunt. Liv. ibid.
cap 38.*

(*c*) *Ibi Tribuni militum,
non loco castris ante capto,
non præmunito vallo —
non deorum saltem, si non
hominum, memores, nec au-
spicatò, nec litatò, instruunt
aciem. Liv. cap. 38.*

A.R. 365. to fortify it well. Terror had seized every body.
 Ant. C. They could see nothing but the danger, and
 387. were solely intent upon avoiding it by the shortest way they could. Almost before they saw the enemy, all betook themselves to flight, not only without striking a blow, but without so much as having answered the cries of the enemy. I omit many other circumstances of this kind, and many essential faults.

Is all this natural, and in the common order of human things? Is it possible not to discern here the effects of a peculiar Providence, and the manifest power of a supreme Being, (for that is the idea which we must substitute to the terms of *Destiny* and *Fortune* used by the Pagans) of God in one word, who, when he would punish nations, deprives them of courage, prudence, presence of mind, judgment and attention to the most easy and most common things: and who makes them blind, to prevent them from seeing and avoiding the evils, into which it is his will to plunge them? *Urgentibus Romanam urbem fatis.*—*Adeo occæcat animos fortuna, ubi vim suam ingruentem refringi non vult.* So Livy expresses himself upon the taking of Rome at this time. And Plutarch, in observing that the Gauls were not indebted to their valour for the victory gained over the Romans near the river Allia, adds, that it ought to be ascribed solely to Providence, *which thought fit to display its whole power in this event.* The expression is remarkable, Τῆς τυχῆς ἐπιδείξιν ἡγεῖσθαι χερί. He gives, as I have observed, the name of Fortune to the Divinity. God, according to Plutarch, took a kind of pleasure in shewing on this occasion, that he is omnipotent, that it is he who makes men all that they are, and that to shew how great their weakness, or rather nothingness

thingness is, he has only to abandon them to themselves. Those Romans, so proud of their power, wisdom, courage, and intrepidity, are not to be known at the battle of Allia. Nothing is so imprudent and senseless as their conduct before the battle, and nothing so abject and cowardly in the action itself.

Camillus himself, in speaking some time after to the People, puts them in mind, that the taking of Rome, and all the misfortunes consequential of it, had been the just punishment of the violation of the law of nations, committed by the Roman ambassadors in respect to the Gauls, and of the criminal negligence of the Romans, who had not only left that crime unpunished, but had even rewarded it. *(a) Therefore, added he, both Gods and men have punished us in so signal a manner, that our example may serve as a lesson for all mankind.*

After God has humbled their pride in this manner, he restores them all their good qualities, and re-instates them in their former condition. If the Romans made an ill use of these lessons, it is for us to make a better, and to learn the judgment which we ought to pass upon the events that occur in history.

I return now to Camillus. As he was a religious observer of all the ceremonies relating to the worship of the Gods, he made the Senate pass a decree to the following effect, “ That all the temples should be re-established and purified with the usual expiations, because they had been prophaned by being in the hands of the enemy. That the right of hospitality should be established between Rome and Cære, and

(a) Igitur victi, captique, ac redempti, tantum poenarum diis hominibusque dedimus, ut terrarum orbi documento effemus. Liv. 5. 51.

A.R. 365. " that the quality of Roman citizens, but with-
 Ant. C. " out the right of suffrage, should be granted
 387. " to the inhabitants of that place, because they
 " had given refuge to the priests, and sacred
 " things, of the Roman People, whereby the
 " worship of the Gods had suffered no interrup-
 " tion. That the games called *Ludi Capitolini*,
 " should be celebrated in gratitude to the great
 " Jupiter, who in the midst of the misfortunes
 " that had happened; had preserved his august
 " abode, and the citadel of the Roman Peo-
 " ple; and that Camillus should for that pur-
 " pose appoint a certain sufficient number of
 " persons, inhabitants of the Capitol and ci-
 " tadel."

Temple
 erected to
Aius Locu-
tius.

To expiate also the negligence, which had prevented the Romans from regarding the voice in the night, that had given notice of the arrival and approach of the Gauls, it was decreed that a temple should be erected in honour of the god *Aius Locutius* in the New-street, that is to say in the same place where M. Cædicius had heard that voice. *Aius Locutius*, signifies *a God who speaks*. Cicero, who set a right value upon stories of this kind, is pleasant upon this name: " This same (*a*) God, when nobody knew him, " talked and let people hear him, which occa- " sioned his being called *Aius Locutius*: but " since he has acquired himself a name, a tem- " ple and an altar, he says nothing, and is grown " dumb."

He was
 rendered
 mute by
 the Geese.
 Fiat de
 fort. Rom.

The gratitude of the Romans extended even to animals. We have seen that the Geese saved the Capitol. A kind of procession was insti-

325. Id. (a) *Aius* iste loquens,
 de Quæst. quando cum nemo norat, ai-
 Rom. 287, erat & loquebatur, & ex eo
 nomen invenit: postquam &

sedem, & aram & nomen in-
 venit, obmutuit. *De Divin.*
l. 2. c. 69.

tuted,

tuted, in which a goose was carried in triumph A. R. 365.
 upon a splendid litter. This ceremony conti- Ant. C.
 nued to be practised in Plutarch's time, who ^{387.}
 observes that the first care of the Censors, when
 they entered upon office, was to provide the
 fund for the subsistence of the sacred geese, in
 reward for the important service they had ren-
 dered the state. In the same procession a dog
 was carried fastened to a gibbet.

After the duties of religion and gratitude Plut. in
 were satisfied, it was necessary to think of re- Camill. p.
 building the city. This occasioned great per- ^{144.}
 plexity, the difficulties appearing unsurmounta-
 ble. The city was destroyed, the houses down,
 and the walls levelled, so that it was in a man-
 ner necessary to look for Rome in Rome itself.
 The People, who were in want of all things,
 and had more need of repose and relaxation af-
 ter the many evils they had experienced, than
 of new fatigues in an undertaking that seemed
 entirely above their strength, were exceedingly
 discouraged. The Tribunes, taking advantage
 of that general disposition, renewed the propo-
 sal they had already made, of removing to
 Veii, and of settling in that city, provided with
 every thing that could be desired for the necessi-
 ties and conveniencies of life. They added,
 " That it was to be a declared enemy to the
 " ease and happiness of the Roman people, to
 " oppose a design so advantageous in itself, so
 " easy in the execution, and become absolutely
 " necessary through the incapacity of the citi-
 " zens to re-instate the city." It is easy to
 conceive how much such discourses must please
 the populace, and exasperate them against Ca-
 millus, who opposed their desires. They talked
 loudly, " That for his particular ambition and
 " glory, he deprived them of a city entirely

A.R. 365. “ ready to receive them, and to which they
 Ant. C. “ had nothing more to do than to remove.
 387. “ That he obliged them to inhabit ruins, and
 “ to rebuild those frightful remains of the
 “ flames, in order to be called, not only the
 “ general and supreme magistrate of Rome,
 “ but also its founder, to the great contempt of
 “ Romulus, whom he aimed at divesting of
 “ that title.”

The Senators, apprehending from hence the effects of a rising division, would not suffer Camillus to abdicate the Dictatorship before the end of the current year, as he intended, though no Dictator before him had ever continued longer than six months in that office. That great man, less sensible to the unjust complaints against him, than to the extreme danger of the commonwealth, repaired to the assembly, attended by all the Senators, and having mounted the tribunal for harangues, spoke to the People in the following terms. *Romans, the disputes with the Tribunes are so insupportable to me, that the only consolation I had, when banished to Ardea, was to consider myself at a distance from them; and I was so strongly confirmed in this way of thinking, that I was resolved, even though the Senate and You should recall me, never more to set foot in a city, where eternal discord prevailed between the two orders of the state. That I have changed my conduct in returning, does not proceed from any change in my opinion, but solely from the interest of the public, which reduced me to it. The question was not to reinstate myself in Rome, but to preserve Rome itself, and to wrest her out of the hands of the Barbarians. And I should be silent at this instant, and remain quiet, if the same public interest did not oblige me to speak. I lament your fate, Romans; I am sensible of its bitterness,*
and

and as sensible of it as it is possible to be. And who A. R. 365. A. U. C. indeed would not be moved with the sad condition to which you are reduced? But I am still more³⁸⁷ affected with that to which some are for reducing you by the fatal counsel they give you. How! To abandon Rome, which gave us birth! To stifle in our hearts all love for our country: and what country, ye immortal Gods! Why then have we recovered it out of the hands of the enemy? But motives infinitely stronger ought to move you: I mean those of religion and the Gods. (a) Their protection of Rome has appeared in these later times in so distinguished a manner, that it ought for ever to banish from our minds all oblivion and neglect of divine worship. Do but recollect all that has happened to us of adverse or prosperous for some years past, and you will discern, that every thing has succeeded with us, when submissive and dutiful to the Gods; and every thing been unfortunate, when we despised them.

After having repeated several examples, Camillus continues to this effect. (b) Having before our eyes so many monuments of the good and evil occasioned by our respect and contempt of divine worship, do you perceive, Romans, into what an abyss of crimes, scarce escaped as we are from the wreck of our faults and misfortunes, we are now going to plunge ourselves? We inhabit a city built in consequence of auspices and auguries. There is no part of it, that is not consecrated by some reli-

<p>(a) Tam evidens numen hac tempestate rebus affuit Romanis, ut omnem negligentiam divini cultus exemplam hominibus putem. In-temini enim horum deinceps annorum vel secundas res, vel adversas: invenietis omnia prosperè evenisse se-</p>	<p>quentibus Deos, adversa sper- nentibus. (b) Hæc culti neglectique numinis tanta monumenta in rebus humanis cernentes ecquid sentitis, Quirites, quantum vixdum ex naufragiis prioris culpæ cladisque emergentes, paremus nefas?</p>
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gious

A.R. 36:
Ant. C.
387.

religious ceremony. All our general assemblies, where-
in we elect magistrates, and transact the affairs of
the state, have their peculiar place, out of which
they cannot be legally held. We have not only days,
but places, fixed for our most solemn sacrifices.
Will you abandon, Romans, all this worship of the
Gods, as well public as private? Will you change
all these institutions, as ancient, and some of them
more ancient than our city? What a difference
there is between you and the noble youth Fabius,
who had the courage to pass through the enemy's
army to the Quirinal hill, to perform a religious
ceremony peculiar to his family!

But, somebody may say, that necessity obliges us
to quit a city entirely reduced to ashes, and to take
refuge in Veii, where we shall find all convenien-
cies, without having occasion to harass the poor
people with works and expences, which they are
not capable of supporting. This, Romans, is a
vain pretext, a false allegation. Did not your
Tribunes make you the same proposal before the ar-
rival of the Gauls, and whilst the city was whole
and unburnt? Should the Gauls, whose multitudes
are said to be innumerable, repass into Italy; and,
not to mention them, should the Æqui and Volsci,
your perpetual enemies, think fit to settle in this
city when you have abandoned it, would you, to
spare yourselves the pains of rebuilding your houses,
would you suffer them to become Romans, and
yourselves only burghers of Veii? Were it not bet-
ter, if the thing were not otherwise possible, to
dwell here in poor cottages, like that of our foun-
der, in the midst of our household-Gods, and the
temples still in being, than to condemn ourselves to
a public and universal banishment? Why should all
of us together refuse to do that in a general conflagration, which each would do in his private capa-
city, were his house accidentally burnt down? You
may

may indeed, Romans, carry your valour and bravery elsewhere; but can you carry thither the protection of the Gods, and the privileges they have promised and attached to the city of Rome? It is here that those Gods declared, when the head of a man was found in digging the foundation of the Capitol, that the capital of the world should be built. It is here the two Divinities, Youth and the God Terminus, in refusing to remove, signified that the seat of an empire should be established, which should have neither bounds nor end. It is here those sacred pledges of the eternity of Rome, the fire of Vesta, and the bucklers which fell from heaven, are kept. In a word, it is to your continuance in this city, that the divine oracles have attached your glory, prosperity, and power.

All these motives, especially those of religion, strongly affected the People. But a word pronounced without design entirely determined them. Some moments afterwards, a Centurion, who was returning with his company from duty, called out to him, who carried the ensign: *Halt here, and plant your colours: This is the best place for us to stay in.* Both the Senate and People cried out unanimously, *they accepted the omen*; and that expression uttered by chance, but turned into a presage, had more effect than the most solid reasons. Veii was no longer thought of; and so wonderful a change ensued in the minds of the People, that they mutually exhorted and encouraged each other to apply to the work. The public supplied them with tiles, and permitted them to take stone and other materials wherever they could find them. All began to build with great ardour, without regard either to district or order, every one seizing such place as seemed either more commodious for building, or most agreeable. This great precipitation

A.R. 365.

Ant. C.

387.

Liv. l. 5.

c. 55.

Plut. in
Camil.

p. 145.

A.R. 365. pitation occasioned no regard to be had either
 Ant. C. to the regularity of the streets, or the disposition
 387. of the houses. From whence it happened that
 the ancient sewers (*cloacæ*) which at first only
 ran through the midst of the streets and public
 places, were afterwards under private houses,
 which must have made them very unhealthy.
 In less than a year the whole city was rebuilt
 from the walls to the last house of the meanest
 particular.

The commonwealth gave an house upon the
 Capitol to Manlius, as a monument of his va-
 lour, and of the gratitude of his country.

T H E

R O M A N H I S T O R Y.

B O O K T H E S E V E N T H.

THIS seventh Book contains the space of twenty-seven years, from the year 366, when Rome was taken, to the year 393. The principal events are, the great actions of Camillus, the punishment of Manlius thrown down from the Tarpeian rock, the Consulship granted to the Plebeians, the institution of the games called *Ludi Scenici*, and different victories over the Gauls.

S E C T. I.

Fabius is cited to take his trial for having violated the law of nations in respect to the Gauls. An exact enquiry is made after the laws and treaties. The Volsci, Æqui, and Hetrurians, arm against Rome. Camillus is declared Dictator, defeats, and triumphs over all those people. The citizens, settled at Veii, are recalled to Rome. Four new tribes are instituted. Camillus terminates the war against the Antiates with success. War with the Volsci: they are defeated by the Dictator Cossus. Manlius attempts to make himself King. The Dictator imprisons him. The People murmur. Manlius is enlarged. He

re-

re-commences his intrigues. He is cited before the People, condemned to die, and thrown from the Tarpeian rock. Observations upon the names of the Romans.

Liv. l. 6.
c. 1.

LIVY, in beginning the sixth book of his history, owns, that the events which he has related from the foundation of Rome by Romulus to its being taken by the Gauls, admit great difficulties, as well in effect of the remoteness of times, which occasions great obscurity, as because in those early ages there were few writings, the only faithful depositaries of facts, and that the little concerning them preserved either in the annals of the Pontiffs, or in other monuments public or private, had in a great measure been consumed by the flames at the burning of Rome. The same historian adds, (a) that the facts he is going to relate from the rebuilding, and in a manner second birth of Rome, which will every day receive new augmentations, will from thenceforth be much clearer and more certain.

A.R. 366.
Ant. C.
386.

L. VALERIUS POPLICOLA, II.
L. VIRGINIUS, &c.

Fabius is cited to take his trial for having violated the law of nations.

Liv. l. 6.
c. 1.—5.

Plut. in
Camill.

p. 145 —
147.

The Military Tribunes were no sooner entered upon office, than one of the Tribunes of the People cited Q. Fabius to take his trial, for having put himself at the head of the Clusini contrary to the law of nations, when he was sent ambassador to the Gauls. His death, which happened so opportunely that it was believed voluntary, spared him that trial.

(a) Clariora deinceps certioraque ab secunda origine velut ab stirpibus lætius fera-

ciusque renatæ urbis, gesta domi militiæque exponen-
tur.

One

One of the first cares of the magistrates afterwards, was to make a strict search for the (1) laws and treaties: for many of them were preserved. The first treaty between the Carthaginians and Romans, which Polybius has preserved entire, was prior to the burning of Rome. It is very probable, that the Pontiffs and magistrates conveyed into the Capitol as many as they could of the annals, books of religion, and those which contained the customs and maxims of the commonwealth. Some of these laws, when collected together, were made public: but as for those which related to sacred things and the worship of the Gods, the Pontiffs reserved the keeping of them to themselves, and kept the knowledge of them from the public, with the view of holding the minds of the multitude in subjection, and of having the greater ascendant over them.

The People in the neighbourhood of Rome did not leave her long in tranquillity. The Volsci, her ancient enemies, took arms with the resolution entirely to extirpate the Roman name. Advice also came by merchants, that all Hetruria was in motion, and preparing for war. But what gave most alarm was the news of the arming of the Latines and Hernici, who ever since the battle near the lake of Regillæ, that is to say, during an hundred years more or less, had continued firmly attached to the Romans. In the midst of so many subjects of terror, as it was evident that the Roman name was become

(1) *The laws of the Kings and of the twelve tables had been written on brass, and fixed up in the Forum. The treaties with several states (according to the custom of the ancients) had been engraven on pillars erected in the temples. What could not be found of those monuments, was supplied by memory.*

A.R. 366.
Ant. C.
386.

not only hateful to the enemy, but contemptible amongst the allies, recourse was had to the usual practice of Rome, and Camillus was declared Dictator, who appointed Servilius Ahala his general of the horse. After having prohibited all judiciary proceedings, business, and labour, he levied the troops, lifting even the old men who had any remains of strength to serve. He then divided his troops into three bodies. The one he opposed to Hetruria, and posted it in the territory of Veii: he made the second encamp near Rome; and with the third advanced against the Volsci near Lanuvium. They had taken the field with perfect assurance of conquering the Romans, whose troops they believed entirely cut to pieces at the battle of Allia. The name alone of Camillus struck them with such terror, that they kept close in their camp, after having fortified it with strong palisades, and a fence of trees laid a-cross. Camillus taking the advantage of a wind that blew directly upon the enemy's camp, caused abundance of combustibles to be got ready. As soon as the sun rose, and the wind began to blow with violence, he made a false attack on the other side, and gave the signal to his troops. At that instant they poured an infinite number of flaming darts upon the intrenchments, which falling amongst the trees heaped upon one another, set all immediately in a blaze. Most of the enemy perished either in the fire, or by the sword. The Romans themselves extinguished the flames to save the spoils, which Camillus abandoned to them: a largess the more agreeable, as it was not expected from a general, who had never shewn himself liberal before in respect to the soldiers.

After

After this victory, Camillus ravaged the ene-^{A.R. 366.}
 mies country. He reduced the Volsci to sur-^{Ant. C.}
 render themselves, defeated the army of the^{386.}
 Æqui near the city of Bola, of which he made
 himself master, and immediately marched to
 the aid of the People of Sutrium, whom he ex-
 pected to find besieged by the Tuscans. But
 they had surrendered, and on such hard condi-
 tions, that they had been permitted to carry off
 only their cloaths. He met them on his way
 in that wretched condition, with their wives and
 children, who all in a body deplored their mis-
 fortune to him. He consoled them, and made
 his troops advance without loss of time, rightly
 conjecturing the condition in which he should
 find the enemy. In consequence, he not only
 passed the whole territory of Sutrium without
 being discovered, but was at the gates of the
 city, and had seized part of the walls, before
 the Hetrurians were apprized of his approach :
 for they had not posted guards, but had dispersed
 themselves into the houses, without any thoughts
 but of carousing and diverting themselves. They
 were so full of meat and wine, that most of them
 were not capable of flying, and either suffered
 themselves to be shamefully killed without de-
 fence, or surrendered themselves still more
 shamefully. Thus Sutrium was restored before
 night, without having suffered any loss or da-
 mage to its citizens; for the place had been
 taken by capitulation, and not assault.

Camillus, having terminated three wars in a
 short time, entered Rome in triumph. A great
 number of Hetrurians, whom he had taken pri-
 soners, were led before his chariot. So conside-
 rable a sum was raised by the sale of them,
 that it sufficed to repay the ladies the gold,

A.R. 366. which they had generously lent the state, and
 Ant. C. with the rest three gold vases, inscribed with the
 386. name of Camillus, were made, which were placed
 in the chapel of Juno in the Capitol.

Such of the Veientes, Capenates, and Falisci, as had gone over to the Romans during the wars of which we have just spoke, were rewarded with the freedom of the city, and lands were assigned those new citizens.

*The citi-
zens set-
tled at Veii
are recall-
ed to
Rome.*

Many particulars, to spare themselves the trouble of rebuilding their houses, had settled at Veii, where they found them ready for their reception. They were summoned by a decree of the Senate to return to Rome. (a) At first they made some difficulty in complying, and, as they believed themselves very strong, because well united amongst themselves, they answered in a tone that seemed to breathe revolt. The Senate fixed a time for their return, upon pain of death to such as disobeyed. The danger become personal, awed them into submission; and all complied.

The buildings in the mean time advanced considerably, because the state was at part of the expence; the Ædiles pushed the work forward exceedingly, and particulars urged by necessity, gave themselves no relaxation. Before the end of the year, the whole was compleated, and the new city entirely finished. Some time after the Capitol was also repaired.

(a) Et primò fremitus fuit
 aspernantium imperium. Dies
 deinde præstituta, capitalis-
 que pœna, qui non remi-

grasset Romam, ex ferocibus
 universis singulos metu suo
 quemque obedientes fecit.
Liv.

T. QUINTIUS CINCINNATUS.

A.R. 367.

Ant. C.

Q. SERVILIUS FIDENAS.

385.

L. JULIUS JULUS, &c.

Nothing considerable passed this year. Some small towns were taken from the enemy, and the Tribunes of the People made some stir.

The year following four new tribes were instituted, which made the number twenty-five in all. *Four new tribes instituted.*

M. FURIUS CAMILLUS, &c.

A.R. 369.

Ant. C.

The war with the Antiates, who were supported by the Latines, gave Rome some alarm. But the name alone of Camillus, who was this year in office, calmed people's apprehensions. Every body said, "That had he been a private person, it would have been necessary to have created him Dictator;" and his colleagues declared, "That in case of war, he was capable of conducting every thing alone; that they were resolved to submit their authority entirely to his; and that they did not believe it any diminution of their dignity, to give place to that of a colleague so much their superior." The Senate gave the Military Tribunes great praises. Camillus, on his side, confounded at a conduct so much for his honour, and so rare an example of love for the public good, expressed his acknowledgiment in the strongest terms. He said, "That so distinguished a favour of the Roman people, who seemed to confer a fourth Dictatorship upon him, the advantageous judgment of so venerable a body as the Senate, and especially the unanimous concur-

A.R. 369. Ant. C. 383. “ rence of his illustrious colleagues in resigning
 “ their authority to him, were an heavy bur-
 “ then highly difficult for him to support. That
 “ he should use his utmost endeavours, by add-
 “ ing new care and zeal to all he had hitherto
 “ done, to exceed himself, in order to answer
 “ worthily the expectations conceived in his fa-
 “ vour. That as to the war with the Antiates,
 “ there was more noise and menace than danger
 “ in it: that however, though he was persuaded
 “ there was nothing to fear, he believed it ne-
 “ cessary that nothing should be neglected.
 “ That Rome was the object of the envy and
 “ hatred of all her neighbours: that therefore
 “ prudence required that several armies should
 “ be set on foot under different generals.” He
 afterwards assigned each of his colleagues their
 province, and kept Valerius with himself. They
 all promised to acquit themselves well of their
 duty. Valerius, in particular declared, “ That
 “ he should consider Camillus as his Dictator,
 “ and submit to his orders as his General of the
 “ Horse.” The Senators were seized with joy
 and admiration, gave Camillus and his colleagues
 the highest praises, and cried out, “ That (a) the
 “ Commonwealth would never have occasion
 “ for a Dictator, if Magistrates like them were
 “ always in office, so perfectly united amongst
 “ themselves, so equally ready to obey or com-
 “ mand, and much more inclined to divide their
 “ own glory with their colleagues, than to arro-
 “ gate that of their colleagues to themselves.”

(a) Nec Dictatore unquam juxtà paratos, laudemque
 opus fore reipublicæ, si tales conferentes potius in medi-
 viros in magistratu habeat, um, quam ex communi ad
 tam concordibus junctos ani- se trahentes. Liv.
 mis, parere atque imperare

Camillus

Camillus and Valerius set out for Satricum, ^{A.R. 369.}
 the rendezvous of the enemy's troops. The ^{Ant. C.}
 army of the Antiates was composed not only of ^{383.}

the Volscian youth, but of a great number of the Latines and Hernici. The sight of so numerous a body, struck the Roman soldiers with terror and trouble. The Centurions immediately carried the news of that discouragement to Camillus, and told him, "That the troops had armed
 " without ardor; that they had quitted the
 " camp slowly and with reluctance; that they
 " had even been heard complaining, that they
 " were marching to a battle where they were to
 " fight one against an hundred: that they were
 " not capable of sustaining the charge of so
 " great a multitude if they were unarmed, and
 " much less armed as they were."

Camillus immediately mounted on horseback, and riding through the ranks; *Soldiers*, said he, *what means this sadness and languor, which I never knew before amongst you? Have you forgot the enemy, yourselves and me? What are the enemy, but perpetual matter for your valour and glory? And are not you on the contrary the same (not to mention the taking of Falerii, Veii, and the entire defeat of the Gauls in our country, after they had made themselves masters of it) who lately under my command obtained three victories over these very Volsci, Æqui and Hetrurians? Do you not know that I am your general, because I give the signal as Military Tribune, and not as Dictator? I desire no extraordinary authority in commanding you, and you ought to consider nothing in me besides myself. The Dictatorship added nothing to my courage, no more than banishment abated it. We are then all of us the same: and as we bring with us the same things in all respects to this as to former wars, we have reason to*

A.R. 369. *expect the same success. As soon as we come to*
 Ant. C. *blows with the enemy, do you behave yourselves as you*
 383. *use to do. You will conquer, and they fly.*

Then giving the signal, he leapt from his horse, and taking hold of the next ensign bearer, he pulled him along with him towards the enemy. As soon as the soldiers saw Camillus, notwithstanding his great age, advancing towards the enemy, they pushed forward all together, crying out, *Let us follow our general.* Some say, that he ordered the ensign to be thrown amongst the enemy, and that the first line made extraordinary efforts to recover it. The Antiates could not sustain so rude a charge, and much less the dreadful sight of Camillus. Wherever he went, he carried terror along with him; which appeared evidently, when he repaired to his left wing, that had been put into disorder, and where he immediately re-instated the battle only by his presence, pointing with his hand to the other wing which was victorious. The success was no longer doubtful: but the multitude of the enemy retarded their flight, and the Roman soldiery, already fatigued by a long and rude battle, could not have gone through so dreadful a slaughter. A violent storm attended with a great rain, very opportunely came on to separate the two armies, and put a stop to the battle, rather than the victory. The retreat was founded, and the night that followed it, terminated the war without putting the Romans to any further trouble. For the Latines and Hernici left the Volsci, and returned home, with the shame of having undertaken a weak enterprise, to which the success had been answerable. The Volsci seeing themselves abandoned by those, whose aid and forces had induced them

them to take arms, quitted their camp, and shut themselves up within the walls of Satricum. Camillus followed them close, and took that place by assault. A.R. 369.
Ant. C. 383.

Camillus intended to form the siege of Antium, the capital of the Volsci, which had excited this war, and he would undoubtedly have succeeded in it: but a more pressing occasion called him elsewhere. He flew to the aid of two allied cities, (1) Sutrium and Nepete, of which the Hetrurians were almost in possession, and delivered them.

The Romans, seeing their tranquillity restored, sent to the Latines and Hernici to complain of their having assisted the enemies, and not furnished their contingents according to custom for several years. Those people, assembled in a body, made answer, “That it was without their participation some of their youth had joined the Volsci, and that they had been sufficiently punished for their temerity, none of them having returned home to their country. That as to their contingents, the perpetual terror they were in of being attacked by the Volsci, had prevented them from sending them according to custom.” Though this answer was little satisfactory to the Senate, they believed it proper to rest satisfied with it for the present.

(1) *These two cities were the barriers of Rome on the side of Hetruria, and the keys of that country. The latter had surrendered to the Hetrurians, before Camillus arrived; the inhabitants being better affected to the Hetrurians than Romans: for which reason when the latter took it now by assault, Camillus beheaded the authors of the revolt. That General, though victorious on all sides this campaign, out of modesty declined the honour of a triumph, which he could not share with colleagues, to whose moderation and deference he was so much obliged for deserving it.*

A.R. 370.
Ant. C.
382.

A. MANLIUS.
P. CORNELIUS.

*War with
the Volsci.
They are
defeated by
the Dicta-
tor Cossus.
Liv. l. 6.
11, 13.*

This year was remarkable for a very important war abroad, and a still more considerable sedition at home. The latter arose, where there was no room to apprehend it, that is to say from Manlius, the famous Patrician, who had distinguished himself by his extraordinary merit upon so many occasions. To put a stop to his criminal designs, it was thought proper to have recourse to the sovereign authority of a Dictator; but the war with the Volsci, whom the Latines and Hernici supported, was made the pretext for it. A. Cornelius Cossus was created, who made T. Quintius Capitolinus his General of the horse.

Though the Dictator saw that he should have ruder conflicts to sustain at home than in the field; however, whether the war required dispatch, or he was willing to add new weight to the Dictatorship by a victory and triumph, he made his troops march to the country of Pomptinus, where he had received advice that the enemy were to assemble.

Besides the disgust, which the wars, that regularly recur almost every year, must give the reader, he must be at some loss, says Livy, to conceive how the Æqui and Volsci, notwithstanding so many losses and defeats, are always in a condition to set new armies on foot. They must either have had extremely great numbers of age to bear arms, in order to supply so many levies, or those levies were not always made out of the same body, but out of different bodies of the same nation. Besides which, we must remember, that amongst these people, as well as the

the Romans, every citizen was a soldier, How-^{A.R. 370.}
 ever that were, the army of the Volsci in ques-^{Ant. C.}
 tion was very numerous, without including the^{382.}
 Latines and Hernici, and several other people,
 who had joined them.

The Dictator being arrived near the enemy, and having formed his camp, began by the usual prayers and sacrifices, and according to custom consulted the Gods by auguries and auspices. Early the next day, before he gave battle, he harangued his troops in few words. *Soldiers, said he, the victory is ours, if the Gods or their interpreters know any thing of the future. Every thing foretels our good success. Proceed therefore to battle, as well assured of conquest: In order to which, lay down your javelins at your feet, and armed only with your swords, expect the enemy's attack without moving in the least from your ground. When they have discharged their darts, and advance against you, then let your swords glitter in their eyes, and come immediately to blows; and let each man remember, that the Gods are our protectors, and send us on to battle.*

He afterwards ordered Quintius to hold the horse in readiness, and as soon as the battle began, to charge the enemy in flank, and put them into disorder. His directions were punctually executed.

The enemy, who confided entirely in their number, began the battle rashly, and quitted it in the same manner. After having raised their first cries, discharged their darts, and shewn some ardor at first, as soon as they came to close fight, and to engage man to man, they could not sustain the charge of the Romans, who with eyes sparkling with fire, and sword in hand, attacked them with incredible impetuosity. The first line was soon defeated; and the Roman
 cavalry

A.R. 370. cavalry compleated the disorder of their troops.
Ant. C. After a short resistance the flight became general.
382. The Romans pursued them till night with great slaughter. The camp of the Volsci was taken and plundered. The Dictator abandoned the whole spoils to the soldiers, except the prisoners. Most of them were Latines and Hernici, and of the principal families, which evidently shewed, that they had taken arms by the consent of their states. It was also discovered, that the inhabitants of Circeii and Velitræ had shared in this war.

The Dictator kept his troops always in readiness, not doubting but the People would be for turning their arms against the revolted allies: but a more urgent danger recalled him to Rome.

*Manlius
undertakes
to make
himself
king.*

This was the affair of Manlius. I have already said that of all men he seemed the least capable of conceiving designs to disturb the state by factions. Those who had hitherto occasioned seditions so frequently in Rome, had almost all of them been Plebeians, who had scarce any other merit than that of knowing how to set on a populace, who are always the dupes of those that undertake to flatter them. Manlius was a Patrician, of one of the most illustrious houses of Rome. He had been Consul, and had acquired very great reputation by many glorious military exploits, and in particular by the signal service he had done his country in saving the Capitol, when upon the point of being taken by the Gauls. A secret vanity and jealousy, which Manlius suffered to take root in his heart, corrupted all his great qualities, and entirely sullied his glory.

Camillus had gained two great victories over the Gauls, wherein he had shewn himself, as
upon

upon many other occasions, the greatest captain A.R. 370.
of his times. During the first years from the Ant. C.
new birth of the city, he had always been in of- 382.
fice, either as Dictator, or Military Tribune.

And even when he was no more than Tribune, his colleagues considered him as their superior and chief, and deemed it for their honour to receive his orders. Manlius could not suffer so high a degree of glory in a man whom he believed no more worthy of it than himself. In effect of his haughtiness and self-sufficiency, he despised all the rest of the Roman nobility. Only Camillus, whom his virtues, services, and the honours with which they had been rewarded, excited his jealousy, and tortured his pride. He was enraged to see him always in the highest authority, always at the head of the armies, and attained to such an height of greatness, that, said he, he treats even those, created with power, equal to his own, not as his colleagues, but officers and substitutes to execute his orders: *However, added he, to judge rightly of things, Camillus would never have been able to recover Rome out of the hands of the enemy, if I had not first saved the Capitol and citadel. He attacked the Gauls at unawares, and whilst engrossed by the hopes of peace, they thought of nothing so little as fighting: Whereas I repulsed them with their arms in their hands, and at a time when they were almost masters of the Capitol. In fine, every soldier who conquered with him has a right to share in his glory, but no mortal can claim the least part in mine.*

Such are the sentiments and language, which envy inspires. When men are for engrossing certain advantages or qualities to themselves, they desire that none should have them in the same degree. All comparisons that cover and suppress the distinction they are fond of, are

painful

A.R. 370.
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382.

painful to them. And the heart is secretly afflicted with having rivals and competitors in things, by the lustre of which it is for attracting all regard to itself alone. This vice, though common enough, is avowed by nobody, because there is an unworthiness and meanness in it, that even pride cannot but be ashamed of.

As Manlius did not believe himself so much considered by the Senators as he deserved, he threw himself into the party of the People. He entered into a very great union with the Tribunes. He spoke contemptuously of the Senate, and flattered the multitude. Prudence was no longer the (a) guide of his actions, but popular air and the breath of the crowd. In a word, he chose rather to have a great than a good reputation. But the question was to propose some advantage to the multitude, that might be a bait to attract and seduce them. The other leaders of sedition had employed the Agrarian laws: that is to say, they proposed the distribution of a certain portion of the lands conquered from the enemy amongst the poorer people. This method did not seem sufficient to Manlius; and the situation in which the People then were, supplied him with another, which he judged more suitable to his designs.

The city having been burnt, every one had been obliged to rebuild his house; and in consequence persons of moderate circumstances being under the necessity of expences, often ruinous even to the rich, had contracted abundance of debts. The Roman laws in respect to debtors were excessively rigorous. They allowed the exacting of enormous interest: and when the debtor became insolvent, by the decree of a

(a) *Jam aurâ, non consilio ferri, famæque magnæ malle quam bonæ esse. Lic.*

judge he was put into the hands of his creditor, A.R. 370.
 who thereby acquired almost the same power Ant. C.
 over him, as a master had over his slave. Man-382.

lius therefore believed, that he could not take a more effectual method to conciliate the multitude entirely to his views, than by endeavouring to ease them of so heavy a yoke. Accordingly after (a) having formed a considerable party by his flattering discourses, he soon added actions highly for the good of the People in appearance, but really seditious, when considered by the motives from whence they proceeded.

One day seeing a Centurion, who had distinguished himself by a great number of exploits in war, in the hands of his creditor, to whom he had been adjudged, he ran with his usual train to the middle of the Forum, and after having inveighed against the pride of the Senators, and the cruelty of the usurers, deplored the misery of the People, and expatiated upon the merit of a warrior who so little deserved such a fate: *It would be highly in vain*, added he, *that the Capitol and citadel were preserved by this arm, if I suffered my fellow citizen and companion in war to be made a slave, and to be laid in irons, exposed to as great evils as if he had been taken prisoner by the victorious Gauls.* At the same time in the presence of the whole People, he paid the Centurion's debt, and set him at liberty.

It is easy to judge what a man in such a case was capable of saying and doing for his benefactor. He prayed, he conjured the Gods and men to reward Manlius, his deliverer, and the father of the Roman people, as he deserved. He shewed the wounds he had received in the

(a) Non jam orationes modo Manlii, sed facta popularia in speciem, tumultuosa

eadem, qua mente fierent intuiti, erant. Liv.

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war of Veii, in that against the Gauls, and in those that succeeded it. And, after having related in what manner his debts, contracted for indispensable occasions, had plunged him into the greatest misfortunes in effect of the accumulation of interest upon interest, he concluded with saying: “ That it was to Manlius he was
“ indebted that he now saw the sun, the city,
“ and his fellow-citizens. That it was from his
“ goodness he held all that a son holds from
“ his father. That he devoted his person and
“ all that remained to him of blood or life to
“ his service. That all the ties, by which he
“ was united to his country, his household-
“ Gods public or private, all attached him from
“ thenceforth entirely to him alone.”

The People, animated by these discourses, were entirely devoted to him, whom they considered as their protector. Manlius did also an action still more capable than all that had preceded it, of enlivening their ardour, and making the multitude adore him. He caused an estate, which was the principal part of his patrimony, to be sold publicly: *In order, Romans, said he, that I may not suffer any of you, whilst I have any thing left, to be adjudged to your creditors, and made slaves.* This last stroke transported the multitude to such a degree, that they seemed ready to follow the assertor of their liberty into whatever extremes he should think fit to lead them.

The Senators would undoubtedly have found it highly difficult to attack Manlius, his actions had so specious and shining an outside, if he had not supplied them with means of a different nature. He had the rashness to say in the assemblies, which he held in his own house, that the Senators had appropriated the gold intended
for

for the payment of the Gauls to their own use, A.R. 370. as well as that which they had found in their Ant. C. camp; that they concealed great treasures which^{382.} belonged to the public; and that if they could be discovered, they would suffice for discharging all the debts of the People. All those who heard him, pleased with so grateful an hope, demanded where a theft of that importance was kept. As he had nothing positive to answer, he amused them with a general promise, to discover the whole at a proper time. Nothing else from thenceforth employed the People's thoughts; and it appeared, that if the fact was confirmed by enquiries into it, Manlius's credit would have no bounds: but on the contrary, if the accusation was found to be groundless, he would be entirely disgraced, and lost even in the sense of the People.

It is very probable that the circumstance which might give some colour and pretext for this calumny of Manlius, in accusing the Senators of hiding the gold of the Gauls, (for those are the terms; *thesauros Gallici auri occultare à* L. 5 c. 50. *Patribus*) is what Livy relates in the preceding book, that the gold which had been taken from the Gauls had been placed under the pedestal of Jupiter's statue: *aurum, quod Gallis ereptum erat——sub Jovis sella poni jussum.*

Things were in this state, when the Dictator, recalled by the Senate, arrived at Rome. The next morning early he repaired to the Forum, attended by all the Senators, and having ascended the tribunal, ordered a Lictor to cite Manlius before him. Manlius, having apprized his partisans, that the moment of conflict approached, advanced with a numerous train. On the one side was seen the Senate, and on the other the People, each in a manner ready

A.R. 370. to attack the other, and waiting the orders of
 Ant. C. their respective leader. The Dictator, without
 382. entering into any other discussion, interrogated
 Manlius only upon the single fact of the trea-
 sures which he accused the Senators of conceal-
 ing. He ordered him to name those who mis-
 applied the public money in so criminal a man-
 ner : and, in case he failed to do so, he declared
 that he would commit him to prison as a se-
 ditious person, and a false accuser.

The question was difficult for Manlius to an-
 swer. He replied to it in a very artificial man-
 ner, using evasions to elude its force, endea-
 vouring to throw dust and confound his hearers,
 and especially to render his enemies odious. He
 began with discovering the artifice of the Se-
 nate, in making a war the pretext for cre-
 ating a Dictator, whilst their real design was to
 employ the terrible authority of that office a-
 gainst him and the People. He afterwards
 justified himself in respect to points upon which
 he was not questioned. *You are offended*, said
 he, addressing himself to the Dictator and Se-
 nators, *at the numerous train with which I am*
surrounded. Why don't you take part of it from
me by your beneficence, in paying the debts of some,
being bound for others, and in relieving the mi-
series of the People out of your abundance? But
what do I say? There is no occasion for applying
your own in this manner. Only deduct from the
principal what you have received in interest, and
from thenceforth you will see me no better attended
than another. But wherefore, you may say, am I
the only one to take care of the citizens? I can on-
ly answer, as I should were I asked, why I was
the only one to save the Capitol and citadel? I then
gave all the citizens in general such aid as was in
my power, and I now do the same in respect to
particulars.

particulars. As to the treasures which you conceal, why do you ask me what you know yourselves? It is perhaps because you have taken your measures so well, as not to apprehend being discovered. (a) The more you insist upon my detecting your legerdemain, the more I fear, that you are sure of imposing it notwithstanding the nicest observation. Therefore it is not me, that should be compelled to discover the thefts you have committed; but you, that ought to be obliged to bring them to light.

The Dictator would not suffer the change to be put upon him. He commanded him to explain himself clearly, without evasions; and, upon his refusal, ordered him to be carried to prison. Manlius, seeing himself seized by the Dictator's officer, omitted nothing to make the People rise in his defence. He invoked all the Gods that inhabited the Capitol, imploring them to aid him who had so courageously defended them. *How!* said he, *shall the hand that has preserved your temples from the fury of the Gauls be disgraced with vile chains?* The whole people were in despair. (b) What they saw and heard penetrated them with the most lively affliction. But always submissive to legal authority, that same People had prescribed bounds to themselves, through which they dared not break; and the authority of the Dictator held them in such respect, that neither the Tribunes of the People, nor the People themselves in their collective body, scarce ventured

(a) Quo magis argui præstigias jubetis vestras, eò plus vereor ne abstuleritis observantibus etiam oculos. *Liv.*

(b) Nullius nec oculi nec aures indignitatem ferebant. Sed invicta sibi quædam pa-

tientissima justî imperii civitas fecerat: nec adversus dictatoriam vim aut Tribuni Plebis, aut ipsa Plebs attollere oculos aut hiscere audebant. *Liv.*

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to raise their eyes from the ground, or to open their mouths in his presence. In other respects they shewed all the signs of the most sensible grief. Great part of the People put on mourning habits; and many of them let their * hair and beards grow, which was not usual but in the greatest calamities. The gates of the prison were besieged perpetually by clouds of persons with sorrow manifest in their faces and whole appearance.

The Dictator triumphed over the Volsci; but his triumph drew upon him more hatred than glory. It was publicly talked, “That
“ he had acquired it in the city, not in the
“ army: that he triumphed over a citizen, not
“ over the enemies of Rome; and that all that
“ was wanting to adorn his triumph, was to
“ have Manlius dragged in chains before his
“ chariot.” Every thing tended to an immediate revolt. To mollify the People, the Senate became liberal and beneficent on a sudden, and appointed a colony of two thousand citizens to be sent to Satricum assigning each of them two acres and an half of land. As the largess was very moderate in itself, confined to a small number, and besides was considered as a bait offered to the People for betraying Manlius, the remedy, instead of appeasing the sedition, only aggravated and enflamed it; especially when the abdication of the Dictatorship by Cossus had rid the People of their fears, set their tongues at liberty, and permitted them to vent their complaints freely.

*The People
murmur.*

Voices were then heard publicly in the midst of the multitude, reproaching the People with

* *Livy supposes here, that the Romans did not wear their beards long at this time: which is contrary to the opinion of Varro and other authors.*

ingratitude to their defenders, for whom they at A.R. 370 first expressed exceeding zeal, and afterwards Ant. C. 382. basely abandoned them in the time of danger; witness Cassius and Mælius, whose services they had rewarded, by giving them up to the hatred of their enemies. That they treated their protectors like victims, who are only fattened to have their throats cut. *How!* said they, *Could a person of Consular dignity deserve such a punishment for not answering as the Dictator thought fit? Suppose what he had advanced was false, and therefore that he could not make a good reply: was ever slave punished with chains and prisons for a lie? How came you not to call to mind that night, which was almost become the eternal night of the Roman name? Why did you not represent to yourselves the Gauls, climbing up to the top of the Capitol, and Manlius himself, such as you saw him with his arms in his hands, covered with blood and sweat, and defending Jupiter himself from the fury of the Barbarians? (a) Do you believe that a few measures of meal were a sufficient reward for the preserver of his country? And him, whom you have almost placed amongst the Gods, whom you have at least equalled with Jupiter by the surname of Capitoli-nus; can you suffer that the same man should now be laid in chains, thrown into a dungeon, and live only in expectation of death from the hands of an executioner? One man then has sufficed for preserving you all; and all of you together are not sufficient to extricate that one out of danger.*

(a) *Selibrisne farris gratiam servatori patriæ relatum? & quem prope cœlestem, cognomine certè Capitolino Jovi parem fecerint, eum pati vinctum in carcere, in tene-*

bris obnoxiam carnificis arbitrio ducere animam? Adeo in uno omnibus satis auxilii fuisse: nullam opem in tam multis uni esse, Liv.

A. R. 372. The mutineers now passed not only the day,
 Ant C. but even the night round the prison, and mena-
 382. ced to break down the gates. The Senate chose
Manlius is to grant them that of their own accord,
discharged which they were upon the point of taking by
out of pri- force, and caused Manlius to be set at liberty.
son. But by that timorous policy, instead of appeas-
 ing the sedition, they only gave it an Head.

About the same time the Latines and Herni-
 ci, and the citizens of the colonies of Circeii
 and Velitræ, arrived at Rome, to justify them-
 selves in respect to the war with the Volsci, and
 to demand that their prisoners should be put in-
 to their hands, in order to their being punished
 according to their own laws. This was not
 complied with: but the Romans expressed their
 anger most sensibly in respect to the inhabitants
 of the two colonies, because being Roman citi-
 zens they had formed the criminal design of
 attacking their country. Not only what they
 demanded in respect to their prisoners, was re-
 fused; but, which was not done in regard to
 the allies, they were given to understand in the
 name of the Senate, that they should quit the
 city directly, and remove themselves from the
 sight of the Roman people, lest the right of
 ambassadors, established for strangers not citi-
 zens, should not protect their prisons.

A. R. 371. SER. CORNELIUS MALUGINENSIS III.
 Ant. C. P. VALERIUS POTITUS II.
 381. M. FURIUS CAMILLUS VI, &c.

Manlius Divisions were renewed more warmly than
renewed his ever the beginning of this year. Manlius held
intrigues. assemblies night and day in his house with the
 principal Plebeians. On one side the affront
 he

he had received exceedingly exasperated a spirit A.R. 371.
 little accustomed to ignominy: on the other, Ant. C.
 what rendered him more bold and haughty than 381.

ever, was to see, that the Dictator had not dared to proceed against him, as Cincinnatus had done in respect to Mælius, and that even the whole Senate, not being able to hold out any longer against the discontent and menaces of the people, had seen themselves reduced to set him at liberty. Inflamed and animated by these motives, he persisted continually in inspiring the People with the same sentiments. *How long, said he to them, will you be ignorant of your own strength, of which nature has not thought fit that beasts themselves should be ignorant? Reckon at least your own number, and that of your adversaries: though however, were the number equal, you would undoubtedly engage with more valour for your liberty, than they to support their unjust sway. As many clients as there are of you to one patron, so many will you be to each of your enemies, in the approaching conflict. Shew only the war, and you will have peace. Let them see that you are prepared to make a good defence, and they will immediately grant you what you demand. You must all together either determine to be bold in undertaking, or resolve each in particular to suffer the utmost injuries. How long will you fix your eyes upon me? I will not be wanting to any of you: but do not suffer me to be made incapable of serving you. Myself, your protector, disappeared, when your enemies thought fit to have it so. What ought I not to fear, should they become more bold in respect to me? Must I expect the unhappy fate of Cassius and Mælius? You are shocked at the thought: you are in the right, and I hope the gods will avert such a misfortune far from me. But those gods will not descend from*

A.R. 371.
Ant. C.
381.

beaten on my account. They must inspire you to remove such dangers from me, as they have me to defend you in war against barbarous enemies, and in peace against unjust citizens. Shall your disputes with the Senate always terminate in your submitting to the yoke? (a) It is not because that disposition is natural to you: it is the habit of suffering them to ride you, which they have made their right, and turned into a kind of inheritance. Accordingly, whence is it that you are so bold and courageous against the enemy abroad, and so soft and timorous against those at home, if it be not because you believe yourselves obliged to fight with your whole force for command and dominion with the former, and make but feeble attempts against the latter in defence of your liberty? And yet, notwithstanding your timidity, and that of your chiefs, whether through superiority of strength or your good fortune, you have hitherto always obtained what you demanded. It is now time to undertake greater things. Try what your good fortune will do for you, supported by my zeal, of which you have already made sufficiently happy experience. You will find less difficulty in giving the Senators a master, than it has cost you to defend yourselves against them, whilst they have had power to lord it over you. Dictators and Consuls must be abolished, if you would have the People raise their heads. Unite therefore with me. Prevent debtors from being prosecuted according to the rigour of the laws. I declare myself the (b) Patron and Protector of the People; names which my

(a) Nec hoc natura infirmum vobis est; sed usu possidemini.

(b) Ego me patronum profiteor plebis: quod mihi cura mea & fides nomen in-

duit. Vos, si quo insigni magis imperii honorisve nomine vestrum appellabitis ducem, eo utemini potentiore ad obtinenda ea quæ vultis. Liv.

zeal

zeal for your interests emboldens me to assume. As A.R. 371; for you, if you are for exalting your chief by any Ant. C. more splendid title, more illustrious dignity, you^{381.} will only augment his power for your support, and to obtain for you what you desire.

Manlius betrayed himself by those last words, however indirect, and it was easy to perceive that he aimed at the sovereignty. He knew, that the name of king was abhorred and detested by the Roman people; and not daring to use the word itself, which would immediately have called to mind the ancient execrations pronounced in the name of the whole state, and for all succeeding ages, against such as should presume to aspire to the throne, he vainly endeavoured to conceal his design under trivial circumlocution. Did he believe that it was the word, and not the thing, that the Romans had in horror? Livy confesses, that he can find nothing concerning the measures he took for the success of his design; who those were, whom he engaged to serve him in so dangerous an enterprize; and how far it was carried. The consequence gives reason to conjecture, that nothing ever was worse concerted than this project. and that it had no foundation but a rash and frantic ambition, which had given him room to hope, that the People would blindly follow him headlong, wherever he should think fit to lead them.

The Senate however, alarmed by the frequent assemblies held in the house of a private person, and an house situated in the citadel, were in the greatest perplexity. Most of them said, that the occasion required a second Ahala, who instead of protracting the affair, might terminate it suddenly by the death of the criminal. Recourse was had to a gentler but no less effectual method, in ordering the magistrates *to take*

A R. 371
Ant. C.
381. *care that the Commonwealth sustained no prejudice from the pernicious designs of Manlius : by which form of words they were invested with full and supreme authority ; as we have already observed elsewhere.*

Manlius is cited before the People. In so delicate a conjuncture, the Tribunes of the people, who had joined with the Senate, because they perceived, that the liberty of the public and their own power would expire together, proposed a very wise method of proceeding, though it appeared entirely dangerous at first. They represented, “ That in the present disposition of the People, Manlius could not be
“ openly attacked, without interesting them in
“ his defence. That violent measures were al-
“ ways dangerous, and might excite a civil war.
“ That it was necessary to separate the interests
“ of Manlius from those of the people. That
“ in order to that, they were determined to cite
“ him before the Tribunal of the People them-
“ selves, and to accuse him in form.” *Nothing, added they, is less agreeable to a free people than a king. As soon as the multitude sees that your aim is not against them, that from protectors they are become judges, that their tribunes are the accusers, and that a Patrician is accused, and accused for having aspired at the tyranny, no interest will be so dear to them as that of their liberty.*

This counsel was followed, and Manlius was cited by the Tribunes before the People. He appeared in a mourning habit, but without a single Senator, relation, friend, or even his own brothers along with him, to express concern for his fate ; so much did the love of liberty, and the fear of being enslaved, prevail in the hearts of the Romans over all the ties of blood and nature ! A Senator, and a person of Consular dignity,

dignity, cited to take his trial, was never known ^{A.R. 371.} to have been so universally abandoned. When ^{Ant. C.} Appius Claudius, the Decemvir, was put in pri- ^{381.} son, C. Claudius his declared enemy, and the whole family of the Claudii, were seen in the habit of suppliants before the judges, imploring mercy for their relation, as criminal and inexcusable as he was. After the Tribunes had spoke, Manlius replied according to his custom, by repeating his exploits and services. He exhibited glorious proofs of them to the eyes of the people, and produced a great number of military rewards (1) of different kinds. At the same time he uncovered his breast, and shewed the many honourable wounds he had received in battle. Then extending his arms towards the Capitol, which was in view from the assembly, he employed Jupiter and all the Gods to inspire the Roman People in his present danger, with the same sentiments as they had inspired him for their preservation when he defended the Capitol; conjuring his judges at the same time, before they passed sentence upon him, to cast their eyes up to that sacred place, and the immortal gods that resided in it.

The People, touched by so moving a sight, could not resolve to put the rigor of the law in execution against a man, who had so lately preserved the Commonwealth. The sight of the Capitol, where he had fought so bravely against the Gauls, weakened the accusation, and attracted the compassion of the multitude. The

(1) *These rewards were two mural crowns of gold, for having entered first two cities taken by assault; eight civic crowns, for having sav-* *ed the lives of as many citizens, of whom C. Servilius when general of the horse was one; and thirty spoils of enemies killed in single combat.*

A. R. 3-1.
Ant. C.
381.

Manlius is
condemned
to be
thrown
from the
Tarpeian
rock.

(a) Tribunes discerned aright, that as long as the People should have an object before their eyes, that recalled the remembrance of an event so glorious for Manlius, their ears would be little open to the grievances alledged against him. They therefore referred the judgment to another time, and summoned the assembly to a place, where the Capitol was not in sight. Their accusations had here all their effect. Pity found no longer access to their minds, and a rigorous sentence was passed, not without extreme compunction even to those who pronounced it. Manlius was condemned to be thrown from the top of the Capitol; and (b) the same place, which had been the theatre of his glory, became that of his punishment and infamy. His memory was treated with rigor after his death; the family of the Manlii being forbidden to use the *prænomen* of Marcus for the future: (I shall soon explain what the Romans understood by the *prænomen*) and a decree passed that no Patrician from thenceforth should inhabit the citadel, where his house had stood.

Such was the end of a man who might have been the ornament of his country, if he had not been born in a free state. We here see how many glorious actions, and excellent qualities, the lust of reigning rendered not only fruitless, but odious and detestable. Manlius was led on to this criminal excess by another passion still more horrible, though it appears less so, I mean the envy and jealousy of exalted virtue. We have seen that he could not bear the glory

(a) Apparuit Tribunis,
nisi oculos quoque hominum
liberassent ab tanti memoria
decoris, nunquam fore in
præoccupatis beneficio animis

vero crimini locum. *Liv.*

(b) Locus idem in uno
homine & eximiae gloriae
monimentum & poenae ulti-
mæ fuit. *Liv.*

of Camillus, the lustre of whose reputation mortified him excessively. Not being able to surpass him by merit, he endeavoured to become his superior by a rank that rendered him his master, and formed the frantic design of making himself king. What a difference is there between this black malignity, tortured by the advantages of others, and the noble candor of Camillus's colleagues, who, by a voluntary submission, render an homage to his superior merit, that does them more honour than Camillus himself?

The People soon after, when they had no longer any thing to fear from Manlius, considering him only on the side of his good qualities, regretted his fate. A sudden plague, that visited Rome without any apparent cause, seemed to most people a punishment from heaven for their treatment of him. They said, that the Capitol had been polluted with the blood of its deliverer, and that the execution of a citizen, who, after having rescued the temples of the Gods out of the hands of the Barbarians, had been put to death almost before their eyes, was a spectacle, that could not but give them great offence. The levity and inconstancy of the multitude is visible here, who suddenly change disposition, and fluctuate continually from one extreme to another.

I come now to explain what the Romans meant by the *Prænomen*.

OBSERVATIONS upon the names of the Romans.

The Greeks had only one name, but the Romans had sometimes three or four: the PRÆ-NOMEN,

A R. 371. NOMEN, NOMEN, COGNOMEN, and sometimes
 A. C. even the AGNOMEN.

381. The PRÆNOMEN every particular had: the NOMEN was the name of the family from which a person descended; and the COGNOMEN was peculiar to some family, or more properly to some branch of that family.

I. The Prænomen was, as the word signifies, the name prefixed to that of the family, like our *Christian name*.

Some of these Prænomens were expressed by a single letter, as A. Aulus, C. Caius, D. Decimus, K. Kæso, L. Lucius, &c. Some with two letters, AP. Appius, CN. Cneus, SP. Spurius, TI. Tiberius. And others with three letters, MAM. Mamercus, SER. Servius, SEX. Sextus.

II. The NOMEN was the name of a family or house, and all its branches. Thus all those of the house said to descend from Julius, the son of Æneas, were called the Julii: those of the house of the Antonies, Antonii, and so of the rest.

III. The COGNOMEN, which originally was often a kind of nick-name, or on the contrary an appellation of honour, distinguished the different branches of the same house, *in eadem*
 l. 9 c. 29. *gente*: as when Livy says, that the house of the Potitii was divided into twelve families. For *Gens* and *Familia* are as the whole and its parts. Those of the same race, or of one and the same house, were called *Gentiles*, and those of the same branch, or of one and the same family, *Agnati*. Thus when the Cæsars are said to be of the house of the Julii, the *Julii* is the general name of the house, and *Cæsar* that of a particular branch of it. When we express the whole name of Cæsar the Dictator, *C. Julius Cæsar*: C, that
 is

is to say, *Caius*, is the prænomen; *Julius* the name of his family, and *Cæsar*, that of the branch from which the Dictator descended.

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381.

Some add to these the *Agnomen*, which was given on some particular occasion, as *Africanus* to one of the Scipios, and *Asiaticus* to the other, on account of their great exploits in those provinces. The term *Cognomen* includes also this last kind of names.

SECT. II.

Different Colonies settled. War against the Volsci. Camillus is chosen one of the Military Tribunes to command the army. His extraordinary moderation in respect to one of his colleagues, whose fault he retrieves by the defeat of the enemy. His singular expedition against the people of Tusculum. Several wars of little importance.

L. VALERIUS IV.

A. MANLIUS III.

SER. SULPICIUS III. &c.

A. R. 372.
Ant. C.
380.

THE plague of the preceding year occasioned a scarcity of provisions, and the report of those two scourges joined together, induced several states, not well subjected, to revolt. To incline the People to take arms willingly, it was thought proper to soothe them by beneficence. Five Commissioners were appointed for distributing the territory of Pomptinus, and three for settling a colony at Nepete. There was no war however this year.

Liv. 6. 12.

A. R. 373.

Ant. C.

379.

War with
the Volsci.

Liv. l. 6.

c. 22, 27.

Plut. in

Camil.

148, 149.

SP. & L. PAPIRII, &c.

The legions marched against Velitræ, a Roman colony that had revolted. It was supported

ed

A.R. 373. ed by a strong body of troops from Præneſte.
 Ant. C. The Romans gained a victory, but did not
 379. venture to attack Velitræ, not believing them-
 selves ſtrong enough to take it.

The Præneſtini having engaged the Volſci to
 join them, took Satricum, a Roman colony, by
 ſtorm, after a long and vigorous reſiſtance,
 where they exerciſed great cruelties.

M. FURIUS CAMILLUS, VII.

L. FURIUS, &c.

A. R. 374.

Ant. C.

378.

*Camillus**is choſen**one of the**Military**Tribunes.**His great**moderation**in reſpect**to one of his**colleagues :**his valour**againſt the**enemy.*

Rome ſeeing the war become important,
 thought proper to elect Camillus amongſt the
 Military Tribunes, who was the ordinary re-
 ſource of the commonwealth in great dangers.
 He excuſed himſelf on account of his great age,
 which, he ſaid, rendered him unable to diſcharge
 the duties of a general of an army. He was
 however at that time only ſixty-fix or ſixty-ſeven
 years old. Perhaps he apprehended envy, or
 ſome reverse of fortune after ſo much glory and
 ſucceſs. But his beſt excuſe was his want of
 health, for he had an illneſs upon him at that
 time. He was upon the point of ſwearing in
 full aſſembly, according to the uſual form for
 ſuch as excuſed themſelves from ſerving upon
 account of ſickneſs ; but the People would not
 hear him, and cried out, that they did not want
 him to fight either on foot or on horſeback ;
 and had occaſion only for his head and his
 counſels. He could not reſiſt the ardent deſire
 of the whole People. (a) He ſtill retained,
 though advanced in years, all the vigour and
 vivacity of youth. He had all his ſenſes in per-

(a) Vegetum ingenium in
 vivido peſtore vigeſcit vire-
 batque, integris ſenſibus : &

civiles jam res haud magno-
 pere obeuntem bella excita-
 bant. Liv.

fection, and though he entered little into domestic affairs, war roused and restored him to himself. A.R. 374.
Ant. C.
378.

The manner in which he acted in the war he was charged with this year, shews evidently, that it was with great wisdom the Romans, without regard to the weakness and age of a general of consummate valour and experience, had given him the preference, against his will, to those who in the flower of their youth solicited the command against him.

Camillus was chosen to command the troops sent against the Volsci, who had joined the people of Præneste. It fell by lot to L. Furius to be his colleague on this occasion. The latter, young and presumptuous, dispensed with the respect, which the greatest persons of the state had always paid Camillus since the defeat of the Gauls; and thereby gave that great man occasion of acquiring a new species of glory.

The two Roman generals set out together against the Volsci. The enemy had the advantage in number, and for that reason immediately offered battle. The Roman troops, and especially Furius, expressed no less ardor for coming to blows, and had engaged accordingly, if not prevented by the wise counsel and opposition of Camillus, who (*b*) sought by delays some favourable occasion that might supply what was wanting in respect to the number of his troops. That conduct augmented the boldness of the Volsci, who came and insulted the Romans at the very gates of their camp. The Roman soldiers were extremely incensed: but none so much as L. Furius, who, besides the boldness and haughtiness of his age and disposition, was ani-

(*b*) Qui occasionem juvandarum ratione virum trahendo bello quærebat. *Liv.*

mated

A.R. 374. mated by the confidence which he observed in
 Ant. C. the multitude, whose courage the worst founded
 378. motives is often sufficient to flush.

Accordingly, finding the troops already warm, he inflamed them still more by his discourse, and endeavoured to depreciate his colleague's authority on the only side by which he could attack it, on that of his age. He affected frequently to say, "That war was the business of the young, " and that courage either continued vigorous, " or declined, with the body. That Camillus, " from an active and enterprising warrior, was " become slow, and fond of delays; and that " the same general, whose custom it was formerly to take camps and cities as soon as he " arrived before them, now drooped within the " intrenchments of his own. And this, with " what view? What augmentation of his own " forces, or what diminution of the enemy's, " does he expect? What better occasion, what " more favourable time? What place does he " imagine he shall discover, that may be proper " for laying an ambuscade? The truth is, there " is no longer any thing but coldness and ice " in the counsels of an old man. Camillus has " lived long enough, and acquired sufficient " glory. But ought we to suffer the forces of " the commonwealth, that is to be immortal, " to sympathize with one mortal body, and " sicken and languish with it."

By these discourses, which suited the disposition and desires of the soldiery, he drew upon himself the confidence of the whole army; and as they demanded to fight on all sides, he went to Camillus. *We can no longer restrain, said he, the ardor of our troops; and the enemy, whose courage we have increased by our delays, insult us*
in

in a manner no longer to be endured. You alone A.R. 374.
oppose the desire of us all. Suffer yourself to be Ant. C.
overcome in counsel, that you may the sooner over- 378.
come in battle.

The answer of Camillus, and the battle which immediately ensued, shew, that age had only augmented his prudence, without in the least diminishing his valour, or fire in action ; and at the same time give us an example of the most consummate moderation antiquity ever produced. He contented himself with representing to Furius, “ That in all the
 “ wars in which he had commanded alone till
 “ then, neither himself nor the Roman People
 “ had repented either his conduct or the success
 “ of it. But that now he knew he had a col-
 “ league, whose authority was equal to his own,
 “ and who excelled him in the vigour of his
 “ years. That in consequence, as to what con-
 “ cerned the troops, it had been his custom to
 “ command them, and not to be commanded
 “ by them : But that he could not prevent his
 “ colleague from using his power and right.
 “ That with the help of the Gods he might do
 “ what he should judge most for the good of
 “ the commonwealth. He however made it
 “ his request, that in regard to his age and
 “ weakness, he might be left with the reserved
 “ troops ; where he should endeavour not to be
 “ wanting in such duties as an old man was
 “ capable of discharging. He concluded with
 “ (a) praying the Gods, that no misfortune
 “ might give reason to conclude his counsel the
 “ more commendable.” The Gods, says Li-
 vy, were deaf to the prayers of Camillus, as

(2) Id à Diis immortalibus Nec ab hominibus salutaris
 precari, ne qui casus suum sententia, nec ab Diis tam
 consilium laudabile efficeret. piæ preces auditæ sunt. Liv.

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378.

men had been to his salutary advice. He thought it improper to insist any longer on his own opinion, apprehending, that he might be suspected of intending, out of envy, to deprive his colleague and the young officers that served under him, of an occasion of acquiring glory, and of rendering the commonwealth great service.

Furius fought at the head of the army : Camillus remained with the reserved troops, whom he strengthened as much as possible for the greater security of the camp, and from the top of an eminence was spectator of a battle fought contrary to his advice. On the first charge, the enemy fled, not through fear, but stratagem. Behind the Volsci, between their army and camp, there was a small eminence with an easy declivity ; and as they had more troops than were necessary, they had left a great body of the best of them in their camp, with orders to make a sudden sally, when the enemy should approach the entrenchments. The Romans, in pursuing the Volsci too warmly, were artfully led on into a disadvantageous place ; and the troops in the camp seized that instant for sallying upon them with impetuosity. Terror and confusion went over to the side of the victors. That sudden attack, and the declivity of the ground from which it was made, obliged them to give way, and soon put them into disorder, whilst they were pushed at once both by the fresh troops of the Volsci from the camp, and those who at first had made a feint of flying, and now faced about on a sudden. It was not now a retreat, but a precipitate flight, on the side of the Romans.

At this moment, Camillus caused himself to be set on horseback, and at the head of the reserved troops, advanced to those who were flying.

*flying. Is this then, soldiers, said he, the battle you A.R. 374.
demanded with so much ardor? What God, what Ant. C.
man, can you accuse of it? Was it not your own 378.
rashness that engaged you in it, and is it not now
your abject fear that makes you abandon it so shame-
fully? You have followed another leader: now
follow Camillus, and conquer as you used to do
when I led you. Why do you cast your eyes to-
wards your camp? None of you shall enter there
except victorious. Shame stopped them at first.
Then seeing their general, illustrious by so ma-
ny triumphs, and venerable for his age, uniting
his example with exhortations, and throwing
himself into the hottest of the press, and where
the danger was greatest, they reproached each
other, and nothing was heard throughout the
whole army but cheerful cries, and mutual ex-
hortations to march against the enemy.*

Furius, on his side, spared no pains to re-
trieve affairs. His colleague sent him to the
horse, to engage them to support the foot in so
great a danger, and he was far from employ-
ing reproaches: his being an accomplice in their
common fault, had lost him the necessary au-
thority for reproving others. Instead of com-
mands, he made use only of entreaties. He con-
jured them separately and in general, to spare
him the just reproaches which might be made
him for the bad success of that day, for which
he was solely responsible. *Notwithstanding the
repeated opposition of my colleague, said he, I chose
rather to be rash with the multitude, than wise on-
ly with him. Whatever may be the event of this
day, Camillus will find his glory in it. But for
me, the most unhappy of mankind, if the success of
this battle be bad, I shall share the misfortune
with the rest of the army, but the infamy of it will
be all my own.* Such moving complaints had

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378.

their effect. The cavalry dismounted, as was frequently practised among the ancients, flew to the aid of the foot, and advanced fiercely against the enemy. That sight revived the courage of the Roman troops, which now surmounted all obstacles. The victory was complete. The Romans made themselves masters, not only of the field of battle, but the enemy's camp. The number of the prisoners was however greater than that of the slain.

Amongst the first were discovered some Tusculans, who confessed, that they had aided the Volsci by order of the public, and the authority of their magistrates. Camillus thought it incumbent on him to impart this news to the Senate in person, and set out for Rome, leaving his colleague to command in the camp. Every body expected from one so exact and severe as him, -that he would demand justice for a fault which had exposed the commonwealth to such great danger, besides which his honour was in some measure concerned in it. It was generally agreed both in the army and at Rome, that the disgrace of the bad success in the beginning of the battle with the Volsci, was to be ascribed solely to Furius, and the glory of the victory to Camillus. The Senate, upon the report of the Tusculan prisoners, thought it necessary to declare war against Tusculum, and charged Camillus with that expedition, permitting him to chuse any one of his colleagues that he should think fit, to accompany him. Contrary to every body's expectation, he chose L. Furius; and by that action of generosity, at the same time lessened his colleague's shame, and acquired himself great glory. Even now, after so many ages, we cannot but admire and love a greatness of soul, that could so easily forgive injuries.

Camillus

Camillus appears a greater hero by this moderation, than by his victories. A.R. 374.
Ant. C.

The Tusculans opposed the Roman arms by a method entirely new, that made it impossible to commit hostilities against them. 378.
Singular
expedition
of Camillus
against the
Tusculans. When the troops entered their country, the inhabitants neither abandoned the places upon their march, nor desisted from cultivating their lands: a great number of citizens, drest as in times of peace, that is to say, in robes, came out to meet the generals: and provisions in abundance were brought from the city and country into the camp. Camillus having encamped before the gates, which were open, and desiring to know, whether the same tranquillity prevailed within the walls as he had found in the country, he entered the city. All the houses and shops were open, and all the artificers intent upon their trades: the schools resounded with the noise of children at their books; the streets were full of people going backwards and forwards upon their occasions; without any sign of terror or even amazement, and not the least trace of war: every thing was entirely tranquil and pacific.

Camillus, surprized at such a sight, and overcome by the enemy's patience, caused the assembly to be summoned by the magistrates, *Tusculans*, said he, *you are the only people, who till now have found out the true arms and forces capable of securing them against the anger of the Romans. Go to Rome, and apply yourselves to the Senate. They will judge, whether your past fault deserves chastisement more than your present repentance pardon. I shall not prevent a grace, which you ought to hold only from the commonwealth. All that I can grant you, is the liberty of presenting your demands and making your request; to which*

A.R. 374
Ant. C.
378.

the Senate will have such regard as it shall judge proper.

When the Tusculans arrived at Rome, and the magistrates of a city, so faithful a little before, were seen in the highest affliction at the door of the Senate, so moving a sight made a very strong impression upon the Romans, and audience was given them rather as allies than enemies. The Dictator of Tusculum spoke in these terms. *The condition in which you now see us, Fathers, is the same as that in which we went to meet your generals and army. You have declared war against us, you have entered our lands in consequence, without our having armed in any other manner than we are at this instant. Such has been, and such always will be, our behaviour, and that of all the Tusculans, except when we receive your orders to take arms, and to employ them for your service. We ought to return our thanks to your generals and troops, for believing their eyes rather than their ears, and for not having acted as enemies, where they found none to oppose them. We come to demand peace, which we have observed in respect to you, and to desire that you would carry the war into countries, where it is to be made. As for us, if we are to experience the force of your arms, we will experience it without resistance. Such is our resolution: and may it be as happy to us, as it proceeds from hearts sincerely attached to your interests. As to what relates to the accusations which have drawn your resentment upon us, though it would be superfluous to deny grievances by words that facts have so strongly contradicted: however, were they true, we believe, after having expressed so evident a repentance of them, that it would be safest for us even to confess them. You may suffer offences to be committed against you, whilst those who commit them think you worthy in consequence*

consequence of such satisfaction. The Tusculans A.R. 374.
obtained peace for the present, and soon after Ant. C.
the freedom of Rome. 378.

Camillus, after having signalized his prudence and valour in the war with the Volsci, his extraordinary good fortune in the expedition against Tusculum, and his moderation and patience on both occasions, quitted his office with the highest glory.

L. & P. VALERII, &c.

A.R. 375.

During the three following years there was Ant. C.
no event of any great importance. The people 377.
of Præneste, taking advantage of the domestic *Particular*
troubles, which began to agitate Rome in re- *wars of*
spect to the debts, advanced to the gates of the *little im-*
city, after having ravaged the neighbouring *portance.*
country. This sudden alarm occasioned a Dic- Liv. l. 6.
tator to be declared, who terminated the war by c. 27-33:
a battle near the river Allia, which was followed
by the taking of Præneste, and of eight places
in its dependance.

The perpetual enemies of Rome, the Volsci, in conjunction with the Latines, gave the Commonwealth some alarm, which was of no long duration, and had no consequence.

S E C T. III.

Law proposed by two Tribunes of the People concerning the distribution of lands, debts, and admitting Plebeians to the Consulship. The disputes are suspended by the arrival of the Gauls, who are defeated by Camillus. The same Camillus is elected Dictator, and terminates the divisions. The Senate consent, that one of the Consuls should be elected out of the Plebeians. A Plebeian Consul elected. Two new offices granted to the Senate, that of Prætor and that of Curule Ædile. The plague rages at Rome. Death of Camillus. Ceremony of the LECTISTERNIUM. Institution of the games called Ludi Scenici. Nail driven into the temple of Jupiter by the Dictator.

A.R. 378. L. ÆMILIUS, &c.

Ann. C.

374.

Law pro-

posed by

two Tri-

bunes of the

People con-

cerning

lands,

debts, and

admitting

Plebeians

to the Con-

sulship.

Liv. l. 6.

c. 24--42.

DOMESTIC divisions ran very high at this time, occasioned at first by the debts. The poor citizens had contracted them long before on account of various misfortunes that had happened, and lastly through the necessity of paying a new tax laid on them for erecting the walls of the city, which the Censors caused to be rebuilt of hewn stone. The (a) creditors treated their debtors, who were adjudged to them according to the forms, with extreme cruelty. As they were utterly incapable of discharging themselves, they expiated by punishment what they could not pay in money. This general misery had dispirited the Plebeians to such a degree, and even the most considerable amongst

(a) Cum jam ex re nihil dari posset, fama & corpore judicati atque additi satis faciebant, poenaeque in vicem fidei cesserat. Liv.

them, that none of the latter presented them-^{A.R. 378,} selves as candidates for the office of Military^{Ant. C.} Tribune, an advantage that had cost them so^{374.} much trouble, and so many conflicts to obtain. In consequence, no Plebeian had shared in it at the last election, and the Patricians seemed to have made themselves masters of that dignity for ever. But a slight occasion soon put an end to their joy, and made way, as often happens, for a considerable event.

M. Fabius Ambustus had two daughters. He was a person highly considered not only amongst the Patricians, of which order he was, but even the People, for whom he had not that haughty and contemptuous behaviour, which the rest of the nobility affected. He had married the eldest of his daughters to Ser. Sulpicius, who was one of the Military Tribunes for this year; and the youngest to C. Licinius Stolo, a very illustrious person, but a Plebeian: and this latter alliance, which Fabius had not despised, had augmented his credit amongst the People. One day (a) as the two sisters passed their

(a) Fortè ita incidit, ut in Ser. Sulpicii Tribuni militum domo sorores Fabiæ, cum inter se (ut fit) sermonibus tempus tererent, lictor Sulpicii, cum is de foro se domum reciperet, forem (ut mos est) virga percuteret. Cum ad id, moris ejus insueta, expavisset minor Fabia, risui sorori fuit, miranti ignorare id sororem. Ceterum is risus stimulos parvis mobili rebus animo muliebri subdidit. Frequentiâ quoque prosequentiâ, rogantiumque num

quid vellet, credo fortunatum matrimonium ei sororis visum: sui que ipsam, malo arbitrio quo à proximis quisque minimè antecipi vult, poenituisse. Confusam eam ex recenti morfu animi cum pater fortè vidisset, percunctatus *Satin' salvæ*, avertentem causam doloris (quippe nec satis piam adversus sororem, nec admodum in virum honorificam) elicuit, comiter sciscitando, ut fateretur eam esse causam doloris, quod juncta impari esset, nupta in domo,

A. R. 378. their time together at Sulpicius's house, the
Ant. C. Lictor of that magistrate, who was returned
 374- home from the Forum, struck the door with a
 rod which he carried in his hand, as was the
 custom. The younger Fabia, to whom this
 ceremony was entirely new, expressing some fear,
 her sister laughed at her, and was surprized, that
 she was ignorant of that custom. The least
 things sometimes make great impression upon
 the minds of women. The younger Fabia was
 touched to the quick by her sister's derision; and
 it is probable also, that the croud of officers,
 who attended the Military Tribune, and came
 to receive his orders, might make her sister's
 marriage appear more considerable than her
 own; and, through a way of thinking natural
 enough, though vicious, which makes people
 give place even to their nearest relations with
 great reluctance, that she conceived a disgust
 for her own condition; and that mortifying
 comparison sat heavy upon her, and made her
 melancholy. Her father happening to see her
 in this dejection, and asking her how she did,
 at first she concealed the cause of a chagrin,
 which argued little affection for her sister, and
 consideration for her husband. But at length,
 between questions and careffes, he got the secret
 out of her, and made her confess, that the cause
 of her grief was her having married below her
 rank, and entered into a family, into which ho-
 nours and authority could have no access. Am-
 bustus consoled his daughter, and bade her take
 courage; assuring her that she should soon see

domo, quam nec honos nec
 gratia intrare posset. Conso-
 lans inde filiam Ambustus,
 bonum animum habere iussit.

Eisdem propediem domi vi-
 suram honores, quos apud so-
 rorem videat. *Liv.*

the

the same honours in her house, as she had seen A.R. 378.
in her sister's. Ant. C.

From thenceforth, though a Patrician, he de- 374.
clared openly against his own order, and entered
into measures with his son-in-law, and L. Sextius,
a young Plebeian of extraordinary merit, and
one, who by the consent of the nobility, want-
ed nothing but illustrious birth to qualify him
for pretending to the highest dignities of the
state. The People had the affair of the debts
extremely at heart, and could expect no redress
in respect to them, except their own order had
a share in the supreme authority of the govern-
ment. They concluded that it was necessary to
apply themselves seriously, and direct their
whole thoughts and endeavours to this end.
They represented to themselves, that after all the
points, which the Plebeians had already carried
against the Senate at different times, by their in-
flexible constancy in urging and supporting their
pretensions, there was nothing, if they exerted
themselves a little, which they might not attain,
and that it would be easy to make themselves
equal the Patricians in honours, as well as they
did in merit. The first step they thought pro-
per to take, was to cause Licinius and Sextius
to be elected Tribunes of the People, in order
to open themselves a way to all the other dig-
nities by the means of that magistracy.

* L. PAPIRIUS.

L. MENENIUS.

SER. SULPICIUS, &c.

A.R. 379.

Ant. C.

373.

C. Licinius and L. Sextius signalized their
entrance into the Tribuneship by proposing se-

* *These Military Tribunes are not mentioned by Livy, but
we find them in Diodorus Siculus.*

veral

A.R. 379. veral laws, all in favour of the People, and con-
 Ant. C. trary to the interests of the Senate. The first re-
 373. garded the debts, and enacted that interest of
 debts, which had already been paid, should be de-
 ducted from the principal, and that the remainder
 should be discharged in three years at three equal
 annual payments. By the second, all private per-
 sons whatsoever were prohibited to possess more
 than five hundred acres * of land, and it ordain-
 ed, that all the land, over and above that quanti-
 ty in the possession of individuals, should be taken
 from them, and distributed amongst those who
 had none. By the third, it was decreed, that
 Military Tribunes should be elected no longer,
 but that the assemblies should proceed as for-
 merly, to the election of Consuls, of which one
 for the future should always be a Plebeian.
 Never had so great a concern divided the two
 orders of the Commonwealth. It was attacking
 the Senate at once in whatever mankind most
 ardently desire, possession of lands, money and
 honours. The whole body of the Patricians
 rose up against these proposals. The People
 on their side supported the Tribunes with ardor.
 The city was in an universal tumult. Discord
 reigned universally : and even families were di-
 vided against themselves, every one taking side
 according to their views and interests.

The Senators terribly alarmed by a kind of
 conspiracy, so violent and general, which they
 had so little expected, held many assemblies as
 well public as private, and after many and long
 deliberations, they found no other remedy for
 the evil, with which they were threatened, than
 to engage the Tribunes of the People to oppose

* *The acre (Jugerum) was
 two hundred and forty feet
 long, and sixscore in breadth.*

Quint. l. 1. Instit. c. 9. Var.
 l. 1. de Rust. c. 10.

the demand of their colleagues. This was a re-^{A.R. 379.}
 source from which they had already derived ^{Ant. C.}
 great advantages, and which proved successful ^{373.}
 at this time. When Licinius and Sextius pro-
 posed the reading of their laws, and began to
 call upon the Tribes to pass them by their suf-
 frages, the Tribunes, who had been brought
 over by the Senate, immediately rose up, and
 declared in form that they opposed it. The
 two Tribunes renewed the same attempt in se-
 veral assemblies, and always with as little suc-
 cess. The opposition of a single Tribune, which
 consisted only in one word, VETO, *I forbid it,*
I oppose it, was of such force, that, without be-
 ing obliged to give his reasons for it, it equally
 put a stop to the resolutions of the Senate, and
 the proceedings of his colleagues the Tribunes.

The Laws were believed to be entirely re-
 jected. Sextius then said, addressing himself to
 the Patricians: *Since you are for giving so much*
weight to the opposition of the Tribunes, it is well;
we consent to it, and shall make use of the same
weapon for the defence of the People. Call then,
Fathers, assemblies for the election of Military
Tribunes when you please. I shall take care that
you shall not be so much delighted with the word
 VETO (I OPPOSE) *which you now hear with so*
much pleasure from the mouths of our colleagues.
 Their menaces were not without effect. No
 assemblies were held, except for the election of
 Ædiles and Tribunes of the People. Licinius
 and Sextius, who were continued in the office
 of Tribunes, suffered no Curule magistrates to be
 created. The Commonwealth continued five
 years complete in that situation, after which
 the Tribunes of the People consented, that
 Military Tribunes should be elected, and troops
 raised, to aid the Tusculans besieged by the in-
 habitants

A.R. 379. habitants of Velitræ. The enemy were defeated;
 Ant. C. and the siege of Tusculum raised. Velitræ was
 373. afterwards besieged. The next year Military
 Tribunes were also elected.

A.R. 386. M. FABIVS, &c.

Ant. C. The siege of Velitræ, where the army was;
 366. went on very slowly. A more important af-
 fair engrossed the attention of the public. Sex-
 tius and Licinius, who had been continued in
 the Tribuneship for the eighth time, had found
 means to cause Fabius Ambustus, Licinius's
 father-in-law, to be elected one of the Military
 Tribunes. Encouraged by so powerful a sup-
 port, and become, by long experience, very
 dexterous in managing the People, they pro-
 mised themselves a speedy and happy success of
 their undertaking, and wearied the principal Sena-
 tors, in the assemblies, with the warm interrogati-
 ons they incessantly made them. *Would you dare
 to demand, said they, whilst only two acres of land
 are assigned the People for their whole estate, that
 you should be permitted to have more than five hun-
 dred; that each of you should alone possess almost
 as much as three hundred citizens together, whilst
 a Plebeian has scarce room enough for a little house
 and a grave? And would you have the people be-
 trayed and crushed by usury, instead of discharg-
 ing themselves by paying only the principal of their
 debts, continue to be laid in irons, and given up
 to slavery and punishment; that crowds of them
 should every day be adjudged to their merciless cre-
 ditors; that the homes of the nobility should be
 filled with prisoners, and that the house of every
 Patrician should be a private goal?*

They added, " That the only remedy for so
 " many evils, was to pass a law, that for the
 " future one of the Consuls should necessarily
 " be

“ be chosen out of the people, who might be
 “ the agent of their counsels, and the protector
 “ of their liberty. That what had happened
 “ in respect to the Military Tribuneship, to
 “ which no Plebeian had been admitted during
 “ more than forty years, though the entrance
 “ had all that time been open to them by the
 “ laws, instructed them, that the choice of a
 “ Plebeian Consul ought not be left to the free-
 “ dom of suffrages. That they ought not to
 “ reckon Kings truly expelled Rome, and their
 “ liberty established upon firm and solid foun-
 “ dations, till the People were in assured pos-
 “ session of the Consulship; because till then
 “ they would not be in a state of perfect equa-
 “ lity with the Patricians, and divide with
 “ them all that distinguished them hitherto from
 “ the People, command, honours, military
 “ glory, and nobility: advantages, which from
 “ thenceforth they would begin to enjoy them-
 “ selves, and would transmit with still greater
 “ lustre to their posterity.”

A. R. 386.
 Ant. C.
 366.

When the Tribunes saw, that this kind of dis-
 course was favourably received, they proposed
 a new law, which was, that instead of *Duum-
 viri*, *Decemviri* might be appointed for keep-
 ing the books of the Sibyls: that is to say, ten
 priests instead of two, of whom half should be
 chosen out of the order of the People, and the
 other half out of the Senators. They could
 carry no point this year. Sextius and Lici-
 nius were continued in the Tribuneship.

T. QUINTIUS.

SER. CORNELIUS, &c.

A. R. 387.
 Ant. C.
 365.

From the beginning of the year, the dispute
 concerning the laws was urged to the last extre-
 mity.

A.R. 387. mity. The Senators perceived, that the two
 Ant. C. Tribunes, authors of the laws, were resolved to
 365. go through with them, notwithstanding the opposition of their colleagues. Truly alarmed at so tenacious a perseverance, they had recourse to the two last refuges of the state, the Dictatorship, and Camillus. Camillus appointed L. Æmilius general of the horse. The two Tribunes on their side armed themselves with courage against so terrible an opposition; and prepared to contend for the People with invincible constancy. The Dictator, surrounded by a troop of Patricians, entered the Forum, and seemed to breathe nothing but terror and menaces. The attack began at first between the Tribunes; the one side proposing, and the other prohibiting the laws; but with this Difference, the latter had only the privilege of their office for them, whereas every thing favoured the former, the nature of the laws themselves, and the inclination of those to whom they were proposed. The first tribes called upon to give their suffrages, accepted them without hesitation, in the usual form. * *Let it be according to your proposal.* Camillus then broke silence: *Romans, said he, since the licentiousness, and not the authority, of your Tribunes governs you, and you now abolish the right of opposition, which you formerly obtained by your retreat to the sacred mountain, in the same violent manner as you acquired it; in quality of Dictator I shall take upon me the defence of it, as well for your interest, as that of the Commonwealth. If Licinius and Sextius will comply with the opposition of their colleagues, I shall not interpose my authority in your assemblies, and shall leave you to proceed in them with entire liberty:*

* Uti rogas, that is, Fiat, uti rogas.

But if your Tribunes presume to act here, as in a A. R. 387.
city taken by storm, I shall not suffer the Tribuni- Ant. C.
tian power to work its own destruction. As the 365.

Tribunes, with a contemptuous air, pursued their point, Camillus ordered his Lictors to clear the Forum, and threatened to list all the youth, and to march them immediately out of the city. This menace alarmed the multitude excessively, but only enflamed the courage of their leader.

Before victory declared for either side, Camillus abdicated the Dictatorship, whether on account of his great age, or perhaps remembering his banishment, he was unwilling to enter into new conflicts with a furious people; or which seems most probable to Livy, because he had been informed, that there had been some defect in the manner of taking the auspices, when he was created Dictator. It is sufficiently known to what an height of superstition the Romans carried these scrupulous observations. If the augur, in his preparatory prayers, pronounced one single word instead of another, if he omitted any of the formalities prescribed for this ceremony, and the number of them was great; it sufficed for declaring void the deliberations or elections made in consequence of that act of religion. Certain authors however, according to Livy, attributed the abdication of Camillus to a fine of * five hundred thousand *Asses*, which * *About*
the people, on the motion of the Tribunes, laid 1250 l.
on him in case he exercised any function of his sterl.
office. But what seems to refute this manner of relating the fact, is his accepting the Dictatorship again; and that at a time, when the affair of the Consulship was not determined. Besides

A.R. 387.
Ant. C.
365.

(a) which, we see, that in all the warmest divisions which afterwards arose, the authority of the Dictatorship was always respected, and not the least attempt ever made in violation of it. However it were, another Dictator was declared almost immediately afterwards: this was P. Manlius.

During this short interval some assemblies of the People were held, in which a diversity of interest and taste between the People and the Tribunes was perfectly manifest with respect to the several heads of the law in question. The latter had properly no other view, than to open themselves a way to the Consulship, and proposed the distribution of lands, and the reduction of debts first, only to pass the last article by the help of the other two, and to interest the People to that effect: it was for this reason they had agreed to tack the three proposals together. The multitude, on the contrary, who passionately desired the distribution of lands, and relief in respect to their debts, were next to indifferent about the Consulship, which could never regard any but the most powerful of their order. Accordingly in the assemblies held on that head, the two first points were received, and the third, relating to the Consulship of the Plebeians, * rejected. The affair would have terminated in this manner, if the Tribunes had not declared, that they would not separate the three articles in deliberation, and that it was necessary to resolve to pass them all together. The Dictator Manlius seemed to give an ad-

(a) Quoadusque ad memoriam nostram Tribunitiis Consularibusque certatum viribus est, Dictaturæ semper altius fastigium fuit. Liv.

* *The form was, Antiquo; that is as much as to say, antiqua probo, nihil novi statui volo.*

vantage

vantage to the People, by appointing a Plebeian A R. 387.
his general of the horse, of which there had Ant. C.
been no example till then. He chose C. * Li- 365.

cinus, who had been Military Tribune. The Senators were exceedingly offended on that occasion. The affair was not terminated this year. When the question was to create Tribunes of the People for the ensuing year, Licinius and Sextius, dissatisfied with the indifference the multitude had expressed for their personal interest, in affecting an unwillingness to be continued, acted and spoke in effect in the most proper manner for making the People grant what they most ardently desired, though they seemed to refuse it. They represented, “ That
“ this was the ninth year, they had been in
“ arms against the Patricians, not without great
“ danger to their own persons, but without any
“ advantage to the public. That they every
“ day saw both the laws they had proposed, and
“ the whole force of the Tribunitian authori-
“ ty, lose ground through the various artifices
“ of their enemies, and still more through the
“ softness and indolence of the People. That,
“ if they would, they might see in an instant,
“ on the one side the city delivered from mer-
“ ciless creditors, and on the other the lands
“ taken from those who possessed them unjustly.
“ But that such important services well deserved
“ some acknowledgment for those who did
“ them, and that it did not consist with the
“ generosity of the Roman people to be atten-
“ tive solely to their own interests, and to neg-
“ lect those of their defenders, by excluding
“ them from honours and dignities. That

* Plutarch erroneously confounds him with C. Licinius Stolo, Fabius's son-in-law.

A. R. 387.
 A. M. C.
 365.

“ therefore it was proper for them previously
 “ to deliberate amongst themselves upon the
 “ choice they should think fit to make, and af-
 “ terwards declare their opinion in the assembly
 “ for the election of Tribunes. That if they
 “ resolved to accept the three heads of the law
 “ together, they might continue them in the
 “ Tribuneship: but that otherwise, it was use-
 “ less to expose them for no end to the malice
 “ and hatred of the Patricians.”

Whilst the rest of the Senators were struck mute with amazement on hearing a discourse so full of boldness and arrogance, Appius Claudius Crassus, the Decemvir's grandson, broke silence, not so much with hopes of success, as to vent the just indignation which he could no longer contain, and expressed himself much to the following effect. *I am not ignorant, Romans, of the usual objection to our family in respect to its attachment to the Senate, and its opposition to the People. But I know also, that as full of respect and gratitude for the august body which has adopted it as it has always been, it never wanted zeal for the true interests of the People, though it has sometimes been forced to declare against their desires, or rather against the injustice of those who abused their credulity and confidence. And it is to this sad necessity I am now reduced. Can one, whether a Patrician or Plebeian, see without indignation the despotic power which Sextius and Licinius have exercised over you for nine years successively? Is there any thing dearer to you than your liberty? And yet they have the boldness to deprive you of it, and to declare plainly, that they will not leave you the freedom of suffrage in your assemblies and deliberations. You are not to continue us in the Tribuneship, say they, but upon a certain condition; and that modest condition is, that you shall accept our laws*

laws all together, whether they please you or no, A.R. 387. whether they appear useful to you, or pernicious. Ant. C. Could the Tarquins themselves talk in a more absolute strain? 365. Either receive the whole, or I propose nothing. This is not unlike offering a man pressed with hunger bread and poison, and obliging him either to take both together, or neither the one nor the other. If some Patrician, or which is still more odious to some people, if some Claudius, should hold such discourses to you, would you suffer it, Romans? And will you always then be more attentive to the persons who speak than things in themselves; would you always be inclined to receive favourably what your own magistrates propose, and to reject every thing from ours? For to come to the point, does not the article of the law, which you refuse to accept, and your Tribunes insist upon so strongly, tend directly to deprive you of the freedom of your suffrages? They are for obliging you necessarily to elect one of the two Consuls out of the Plebeians: In consequence of which, should conjunctures arise, wherein the good of the state required that two Patricians should be created, you would not be at liberty to chuse them. If your Sextius on one side, and the great Camillus with another Patrician on the other, demanded the Consulship, you would be obliged, however against your will, to elect Sextius, and Camillus would run the risque of being rejected. You may, if you please, chuse two Plebeians Consuls, but not two Patricians. Is this establishing the perfect equality, so much boasted of by your Tribunes, between the two orders of the state? But, by this new regulation, what becomes of the auspices, upon which all our ceremonies, enterprizes, and religion, are founded, which are as ancient as Rome itself, and have always been in the hands of the Patricians? What signifies it, says somebody, whether the chickens eat,

A.R. 387. *whether they come sooner or later out of their coop,*
 Ant. C. *and whether the birds sing or not? (a) These are*
 355. *petty observances. Agreed they are so: but it was*
by not despising these petty things, that our ancestors
raised Rome to its present height of greatness. As
for us, we now profane all the ceremonies of religion,
as if we had no occasion for the favour and protection
of the Gods. These, Romans, are things that merit
your serious attention. Whatever resolution you may
take, I hope the Gods will prosper and render it for
the good of the commonwealth.

Appius's speech had no other effect than to defer the holding of the assembly for passing the law. The Tribunes were re-elected for the tenth time, and confined themselves to passing the law concerning the *Decemviri*, or ten keepers of the Sibyl's books. Five of them were elected out of the Patricians, and the other five out of the People. This seemed to them a step towards attaining the Consulship. Contented with this victory, they agreed to the election of Military Tribunes.

A.R. 388.

A. & M. CORNELII, II. &c.

Ant. C.

354.

Disputes
are suspen-
ded by the

arrival of
the Gauls,
who are
defeated by
Camillus.

Liv. l. 6.

c. 42.

Plut. in

Camill.

p. 150.

The siege of Velitræ, which had been spun out to some length, gave little pain, because there was no reason to doubt its success. A more just alarm suddenly spread, and gave the city great disquiet. Certain advice came that the Gauls were advancing by long marches towards Rome, to avenge the defeat of their countrymen.

The fear of a misfortune like the former suspended all enmity, and the public good was the

(a) *Parva sunt hæc: sed nos, tanquam jam nihil pace Deorum opus sit, omnes ceremonias, polluimus. Liv. hanc rem fecerunt. Nunc*

sole.

sole object of great and small. Without any delay, Camillus, always considered in times of danger as the tutelary genius of Rome, was elected Dictator for the fifth time: he was then almost fourscore years old. Notwithstanding which, seeing the necessity and great danger of the commonwealth, he made no excuses as before, but accepted that office without hesitation, and assembled his army,

A.R. 388.
Ant. C.
364.

As he knew by experience that the principal force of the Gauls consisted in their swords, which they used after the manner of Barbarians, that is to say, heavily and without address, cutting downright before them, he caused helmets of well-polished steel to be given to most of his troops, in order that they might either break the swords of the enemy, or make them only glance without effect: he caused also their bucklers to be bound round the edges with borders of iron, wood not being strong enough to resist the blows: and lastly, he taught them to use long javelins, and by thrusting them under the swords of the Barbarians, to prevent their downright blows.

The Gauls were already upon the banks of the river Anio, with an army so laden with booty, that it could scarce march. Camillus took the field at the head of his troops, and encamped upon an hill of a very easy declivity with many hollow places upon it, so that the greatest part of his army was not seen, and the rest seemed to have retired to the eminences through fear. To confirm the enemy still more in that opinion, he took no care to repulse them when their parties came to forage at the very foot of the hill; but kept close in his camp, which he had intrenched with great care. When he saw most of their troops dispersed for forage, and

A.R. 388.
Ant. C.
364.

those that remained in their camp, full of meat and wine, and scarce in a condition to fight, he detached his light-armed infantry before day to insult them, and at day-break made his heavy-armed troops march down into the plain, where he drew them up in order of battle. They were very numerous, and full of ardour, contrary to the expectation of the Barbarians, who believed them no great body, and much discouraged.

The first thing that daunted the Gauls, was to see, that the Romans dared attack them without being forced to fight. The light armed foot charged them before they could either post themselves, or draw up in battle, pushed them vigorously, and forced them to fight in their disorder. Camillus in the mean time, with the main body of the army, attacked them with impetuosity. The Barbarians advanced fiercely to meet him with their swords lifted up. But the Romans stopped them with their javelins, and as they opposed their strokes with bodies covered all over with iron, the swords of the Gauls bent and lost their edges. For as their temper was soft, and the iron of which they were made little hammered, those effects were easy and in a manner necessary. Besides which, their bucklers, pierced through and stuck with the javelins that continued hanging in them, were so heavy when the Romans drew them back, that not being able to hold them up any longer, they abandoned their own arms in order to throw themselves upon those of their enemy, and to pull their javelins out of their hands: at which time the Romans, seeing them uncovered, employed their swords with success. They cut the first ranks to pieces: the rest fled, and dispersed themselves over the plain, without any thoughts

thoughts of retiring to their camp, which they A.R. 388.
 had taken no care to intrench, so sure did they Ant. C.
 believe themselves of victory. The honour of^{364.}
 a triumph was granted the Dictator.

This battle is said to have been fought twenty-three years after the taking of Rome, and to have been the first success that encouraged the Romans not to fear the Gauls, who till then had been very terrible to them. For they were persuaded that the first victories they had gained over them, were not the effect of their valour but of some unforeseen accidents, and especially of the diseases, which had weakened the army of the Barbarians. Their fear of them was so great, that in the law which dispensed with the going to war of priests, those with the Gauls were excepted. (a) Cicero, where he observes that Gaul from the beginnings of the empire, had always appeared very formidable to Rome in the eyes of the judicious, adds, that it was not without the peculiar providence of the Gods, nature had fortified Italy with the Alps, as with a barrier and intrenchment. For, says he, if that entrance had been open to the multitude of so barbarous a nation as the Gauls, Rome had never been the seat and capital of the greatest empire of the universe.

This victory over the Gauls was the last military exploit of Camillus: the taking of Velitræ was a mere effect of this expedition, which

(a) Nemo sapienter de rep. nostra cogitavit jam inde à principio hujus imperii, quin Galliam maximè timendam huic imperio putaret.—Alpibus Italiam munierat ante natura non sine aliquo divino

numine. Nam si ille aditus immanitati multitudinique patuisset, nunquam hæc urbs summo imperio domicilium ac sedem præbisset. Cic. *orat. de Pro-Conf. n. 33* & 34.

A.R. 388. place surrendered without fighting. But he had
Ant. C. a terrible conflict still to sustain at Rome.

364.

*The Dicta-**tor Camil-**lus termi-**nates the**divisions.**The Senate**complies**with the**People, and**consents**that one of**the Consuls**should be**elected out**of their**order.*

The Tribunes considered the victory lately gained over the enemies of the state as nothing, except themselves obtained one also over those whom they regarded as their domestic enemies, that is to say, over the Patricians. The Senate, the better to make head against them, prevailed upon Camillus not to divest himself immediately of the Dictatorship, in hopes that by the help of his supreme authority he might contend more successfully with the Tribunes. The Forum was the field of battle, where the two Orders of the State, like armies drawn up on both sides under their respective leaders, were upon the point of deciding the most important affair that had ever been transacted in the assembly of the Roman people. The Tribunes, determined to conquer or perish, propose their law with an intrepid and triumphant air, and call upon the Tribes to give their suffrages. Camillus, surrounded with the whole Senate, opposes their proceedings, and prevents the People from voting. It was hoped, that Camillus's personal authority, and that of his office, would reduce the multitude to reason. But the Dictatorship, too often employed, had lost abundance of the credit which it had acquired at first by the singularity of the office, and the sovereign authority annexed to it. Sextius and Licinius regarded no longer either the laws, or the first dignity of the commonwealth. An horrible noise and tumult arose throughout the whole Forum which seemed to denounce an approaching and bloody action. And indeed the affair seemed incapable of terminating otherwise, if the Dictator had been as warm and violent as the Tribunes. He quitted the Forum, without quit-
ting

ting his office however, and taking the Senators A.R. 388.
with him, went to the Capitol. There, he im-^{Ant. C.}
plored the Gods to appease so great a disorder,^{364.}
and to avert the fatal effects of it. He made a
vow to build a temple to Concord, as soon as
the troubles should be appeased.

When the Senate came to deliberate upon the
occasion, diversity of opinions occasioned great
debates; but at last the gentlest and wisest pre-
vailed. This was, to comply with the People,
and to permit them to chuse one of the Consuls
out of their own body. As soon as the Dictator
had pronounced that decree in full assembly, it
gave the People so much joy, that they were
reconciled that instant with the Senate, and ac-
companied Camillus to his house with great ac-
clamations and applauses. The Consulship had
been instituted an hundred and forty-three years
before this law for admitting the Plebeians into it.

The next day the Senate and People assem-
bled, and decreed that to accomplish Camillus's
vow, and preserve the remembrance of this
happy reconciliation, the temple of Concord
should be built in a place in sight of the Forum
and *Comitium*: That a day should be added to
the festival called *Feriae Latinae*, which from
thenceforth should continue four days: That
without losing a moment's time sacrifices should
be offered in all the temples, and that every
Roman without exception should that day wear
a wreath of flowers.

Camillus afterwards held the assembly for the
election of Consuls, and Marcus Æmilius was
elected on the side of the Patricians, and L.
Sextius on that of the People.

Thus ended the warmest and most violent
divisions that had hitherto arose between the Se-
nate

A.R. 388
Ant. C.
364. nate and People. It must be confessed, that if the commonwealth had at that time had a Dictator as violent, and as obstinately tenacious of his purpose as the two Tribunes of the People were, it must have come to blows, to cutting of throats, and extinguishing divisions in the blood of the citizens. The wisdom of the Senate prevented so fatal an extremity. It is an honour to give way in such conjunctures. The vanquished have then glory, and the victorious shame.

What a pity it was that the Roman people were not enlightened by the knowledge of true religion! But in the midst of their darkness, how much do they reproach us! When Camillus sees every thing desperate on the side of men, he has recourse to the Gods, and expects every thing from their aid. When tranquillity is re-established, the first care of the whole people is to run to the temples, to express their lively and instant gratitude to the same Gods.

A.R. 389.
Ant. C.
363.

M. ÆMILIUS.
L. SEXTIUS.

Consul e-
lected out
of the Peo-
ple.

This year was remarkable for the Consulship of what Livy calls a *New-man*, which term I shall presently explain; and the institution of two new magistracies, the Prætorship and the office of Curule Ædiles.

What the
Romans
understood
by New
Men, novi
homines.

The Romans called him a *new-man*, *novus homo*, of whose ancestors none had been in the Curule offices, so called because they gave those who exercised them a right to be carried in ivory chairs, and to sit in them in the assemblies. The descendants of those, who had passed through these charges, were deemed and termed *Noble*, themselves, their children, and all their posterity, and formed at Rome what

was

was called the Nobility. They had also a right ^{A.R. 389.} to *Images*; that is to say, to expose in the most ^{Ant. C. 363.} conspicuous part of their houses the *Images* or portraits of such of their ancestors as had exercised those offices, and to have them carried in certain public ceremonies, as in the funerals of their relations. These dignities were the Consulship, the Censorship, the Dictatorship; also the Curule Ædileship and Prætorship, of which last we shall soon see the institution. The division which began between the Patricians and Plebeians, subsisted almost on the same foot between the noble and those who were not so, breaking out more or less according to the difference of times and occasions.

What I have just said helps us to understand what I have repeated in the harangue of Sextius and Licinius, that the Consulship was the only thing that was wanting to make the People equal the Patricians; that it would (a) put them into possession of all that distinguished the latter; and give them command, honours, military glory, and nobility, in common with the Senators. The People therefore became Noble by the Consulship, and all the other Curule offices, but noble Plebeians, distinguished from the Patricians, though generally united with them in respect to interest and manner of thinking.

L. Sextius was the first Plebeian elected Consul. He might boast with more reason than ^{Two new offices granted the Senate; the Præ-} (b) Cicero did afterwards, of having at length,

(a) Quippe ex illa die in Plebem ventura omnia, quibus Patricii excellant: imperium atque honorem, gloriam belli, GENUS, NOBILITATEM.

vallo claustra ista nobilitatis refregissem ut aditus Consulatum posthac—non magis nobilitati quam virtuti pateret; non arbitrabar, &c. *Pro Muræu. n. 17.*

(b) Cum ego tanto inter-

after

A.R. 389. after many conflicts, forced the barriers which
 Ant. C. the nobility had till then laid in the way of the
 363. Plebeians, and of having rendered the Consulship
 no less accessible to merit than birth. The People, in gratitude for an advantage so honourable to their order, granted the Senate (1) permission to create a new magistrate to administer justice in the city, who was called *Prætor*. This was a part of the Consul's functions dismembered; avocations abroad often not permitting him to discharge that important part of his office.

The Senate also acquired a second magistracy this same year : this was the Curule Ædileship. There were already two Ædiles elected out of the People, of whom we have spoken at the time of their institution. The latter refusing to act in making preparation for celebrating the great games which Camillus had vowed, certain young Patricians took that care upon themselves with joy, and the Senate laid hold of that occasion for establishing a new dignity peculiar to their own order, which afterwards became very considerable. I shall have occasion to explain the functions of these two new offices ; those of the *Prætorship* at the end of this volume, and of the Ædileship in the beginning of the next. Spurius Furius, the son of Camillus, was appointed *Prætor* ; and Cn. Quintius Capitolinus with P. Cornelius Scipio, Ædiles. The People, not to give place to the Senate, created a Plebeian *Prætor* in process of time, and the Ædileship became common also to both orders.

(1) Others say, that the Senate would not confirm the election of Sextius, till the Dictator Camillus, by way of expedient, proposed the crea-

tion of a PRÆTOR, to discharge the civil function of Consul, and always to be elected out of the Patricians.

L. GENUCIUS.

Q. SERVILIUS.

A.R. 390.
Ant. C.
362.

The three following years were hardly remarkable for any thing except the plague, which carried off a great number of citizens, several magistrates, and, which most affected the commonwealth, the great Camillus, whose death, though it happened at a very advanced age, was still, with respect to the wishes of all Rome, in some measure immature, so highly was he esteemed and revered. (a) He was truly singular and super-eminent in every different condition of his fortune. The principal citizen of the commonwealth both in war and peace before his banishment; and still more illustrious during it, both from the ardor with which Rome, taken by the Gauls, recalled him to her aid, and his good fortune of being re-instated in his country only to re-instate his country itself in her former condition. Always equal to himself, he afterwards sustained the lustre of his exalted reputation, during the twenty-five years he survived, and was judged worthy of being considered after Romulus, as the second founder of Rome.

Plague
rages at
Rome.
Death of
Camillus.
Liv. l. 7.
c. 2 & 3.

The plague continuing at Rome, to appease the Gods, recourse was had to the ceremony called *Lectisternium*, which had been employed but * twice hitherto, and consisted in preparing

LECTI-
STERNI-
UM.

(a) Fuit enim verè vir unicuſ in omni fortuna: princeps pace belloque, priuſquam exulatum iret: clarior in exilio, vel deſiderio civitatis, quæ capta abſentis imploravit opem; vel felicitate, qua reſtitutus in patriam ſecum patriam ipſam reſtituit. Par deinde per quinque &

viginti annos (tot enim poſtea vixit) titulo tantæ gloriæ fuit, dignuſque habitus, quem ſecundum à Romulo conditorem urbis Romanæ ferrent. Liv.

* Livy does not mention the ſecond time this ceremony was uſed.

beds

A.R. 390. beds in the temples of the Gods, in order for
 Ant. C. offering sacrifices and celebrating feasts there in
 362. honour of them. We have spoken of this so-
 lemnity above.

Institution of the games called Ludi Scenici. As the plague did not cease, the games called *Ludi Scenici* were instituted in honour of the same Gods, that is to say, theatrical representations, a new kind of diversion to a warlike people, who till then had no other games nor shews except those of the Circus. These theatrical games, which at their beginning were of a gross and rustic simplicity, have been carried in our times, says Livy, to such an excess and madness of expence, as the revenues of the most opulent princes would scarce suffice to defray. The reader may consult what has been said upon these games in the Vth volume of the Ancient History, and I shall have occasion to speak of them again in the sequel.

Nail driven into the temple of Jupiter by the Dictator. All these methods procuring no abatement of the evil that grievously distressed the city, and people's minds being more tormented by the superstitious enquiry after remedies, than their bodies were by the disease, somebody remembered an ancient very odd ceremony, for which it is hard to give any reason. It consisted in driving a nail into a temple: *clavum figere*. The Volscians, a people of Etruria, were said to have used it of old, for making the number of years, and that it passed from them to Rome: this nail was called *clavis annalis*. According to the law, this nail was to be driven upon the ides of September, that is to say the 13th, by the principal magistrate of the commonwealth. On the occasion of the plague, which differs from that I have just related, a Dictator was expressly nominated: this was L. Manlius Imperiosus, who chose L. Pinarius for his general of the horse.

He

He affixed the nail in the right side of the temple of Jupiter. The disease undoubtedly could not hold out against so efficacious a remedy. The same ceremony was again employed about thirty years after, that is to say, by way of remedy against a strange alienation of mind, which was considered as the cause of the multiplication of crimes in the city.

Brief description of the functions of the Prætors, and of the manner of administering justice at Rome.

IT (a) has with reason been said, that THE MAGISTRATE IS A SPEAKING LAW, AND THE LAW A MUTE MAGISTRATE. And indeed laws, however excellent they may be, not being capable of themselves to apply their decisions to particular cases, and still less to make themselves respected, would remain without force and effect, if they did not borrow a voice to serve them as an interpreter to explain their will, and an authority to enforce obedience to them. These they have from the magistrate, who properly speaking is the minister of the law. The People, or the Prince, in a word, the State arm him with a sovereign power, of which God himself is the source and principle, and confides to his care, the fortunes, reputations, and even lives of his citizens (b), to dis-

(a) Verè dici potest, magistratum esse loquentem legem, legem autem mutum magistratum. *Cic. de leg. l. 3. c. 2.*

(b) Ubi est sapientia judicis? In hoc, ut non solum

quid possit, sed etiam quid debeat, ponderet; nec quantum permissum meminerit solum, sed & quatenus commissum sit. *Cic. pro Rab. Post. n. 12.*

pose of them, not according to his pleasure, but the spirit and intent of the laws.

Amongst the Romans, the magistrate peculiarly charged with the keeping, maintenance, and execution of the laws, and the administration of justice, was called the *Prætor*.

In the origin, and according to the force of the word, the name *Prætor* signifies commander. It was given at first to the Consuls, and in an

PRÆTOR
qui præest
Liv. l. 3.
c. 55.
Id. l. 7.
c. 13.

ancient law cited by Livy, we find the term *Grand Prætor*, *Maximus Prætor*, to express the person invested with the first office of the state. This was afterwards determined to signify a magistrate, whose functions were a part dismembered from those of the Consul.

As the Consulship included the civil and military authority, the Prætorship also united those two powers in itself, though at first it may appear to have been instituted principally for administering justice. It is in this latter view, that I shall consider it in this place. For as to military authority, it differed only from the Consulship in the Prætor's being inferior and subordinate to the Consul, and receiving his orders, when both happened to be in the same army.

The administration of justice was at first confided to the Consuls. But as they had too great a multiplicity of affairs upon their hands, and wars often obliged them to be absent from the city, the Patricians prevailed, when the Plebeians were admitted to the Consulship, to have this part of the Consular power confided to a particular magistrate, to be elected out of their order with the name of Prætor. This new office commenced the 389th year of Rome. An hundred and twenty years after, that is to say, the 510th year of Rome, as the number of its inhabitants was much increased, and abundance
of

of strangers residing there, which multiplied affairs, a new Prætor was created. Of those two ^{Liv. Epit.} magistrates, the one adjudged the differences ^{19.} which arose between the citizens, and was called *Prætor urbanus*: the other, causes between the citizens and strangers, and was called *Prætor peregrinus*. The circumstances in which the second Prætor was created, give reason to think, that the design also was to give the Consul charged with the war against the Carthaginians an assistant. And accordingly that second Prætor, the first year history mentions him, accompanied the Consul Lutatius to the war, and had even a great share in the famous victory near the islands Ægates.

Some few years after the institution of the *Prætor peregrinus*, as the two magistrates, whose province it was to administer, were still not enough for trying all the causes, the People, on the motion of the Æbutii, two of their Tribunes, instituted a new tribunal of Judges. Five were chosen out of each of the Tribes, of which the number was then twenty-five, so that they made in all an hundred and five: but to express them in a rounder and more easy manner, they were called *Centumviri*; and they retained that name afterwards, even when their number rose to an hundred and fourscore. The Prætor at first referred only the most common affairs to them: but long after, and principally under the Emperors, the most important causes were tried at their tribunal. (a) Quintilian tells us, that in his time the *Centumviri*, esteeming themselves

(a) Jam quibusdam in judiciis, maximeque capitalibus, & apud Centumviros, ipsi judices exigunt sollicitas & accuratas actiones, contem-

nique se, nisi in dicendo etiam ciliigentia appareat, credunt; nec doceri tantum sed etiam delectari volunt. *Quintil. l. 4 c. 1.*

considerable judges, expected that the pleadings before them should be very elaborate, without which they believed themselves treated with contempt.

Prætors were also appointed for administering justice in the provinces, in whom the whole authority of the government vested. Their number augmented in proportion to the new conquests made by the Roman people. Sicily and Sardinia falling into their hands, two new Prætors were created to govern them the 525th year of Rome. Two more were created for the two Spains, after they were conquered. L. Cornelius Sylla the Dictator added four to the number, according to Pighius.

Whilst Rome had only one Prætor, the Patricians always retained that dignity: the Tribunes would have been ashamed to demand, that the Senate should be entirely divested of it. But when their number was augmented, their ambition awakened, and did not let them continue tranquil. Nothing was wanting to complete the victory over the Patricians except carrying this place from them. After many conflicts, they had made themselves masters of the Curule Ædileship, the Consulship, the Dictatorship, and the Censorship. The Senate, weakened and discouraged by so many losses, was no longer capable of opposing their enterprises. It was necessary to give way, and to admit the Plebians also to the Prætorship. This change happened in the 418th year of Rome.

Liv. l. 3.
c. 15.

The Prætors, as well as the Consuls, exercised their office one year. They were elected by the People in the assemblies called *Comitia Centuriata*. Lots determined their provinces. They had almost all the same ensigns of honour

as

as the Consuls ; the robe bordered with purple, the Curule chair, the Lictors and *fascēs* (*a*), two in the city, and (*b*) six in the provinces.

The Prætor of the city, during the absence of the Consuls, supplied their place, presided in the Senate, and in all public affairs, and had abundance of other prerogatives above their colleagues.

The principal function of the Prætors was the administration of justice. They did not try causes and pass sentence themselves, at least commonly, but they presided at trials, and in all things relating to judicature.

A certain number of citizens were chosen every year to exercise their judiciary functions in conjunction with them. They were elected, at different times, out of different bodies of the State.

At first none but Senators were chosen judges, and certainly they could not be elected out of a more august and venerable body than the Senate was at that time. The judges were of the order of Senators, but it was not the Senate that passed judgment. The deliberations of that august body were confined to the affairs of State.

They continued in the sole possession of the judicature from the foundation of Rome till the passing of the law Sempronia by C. Sempronius Gracchus in the 630th year of Rome. That Appian de Tribune of the People, resolving to ruin the ^{bell. civ.} authority of the Senate, to whom he was a de-^{P. 362.}clared enemy, undertook to deprive them of the administration of justice, upon pretence of the

(*a*) Anteibant Lictores— (*b*) Sex Lictores circum-
ut hic Prætoribus anteeunt, sistunt valentissimi, &c. / *err.*
cum fascibus duobus. *Cic.* 2. 7. n. 151.
in Roll. n. 92.

crying injustice committed by some Senators, who had suffered themselves to be corrupted by bribes, and had acquitted criminals notoriously convicted of having ruined several provinces by horrible exactions. Gracchus found no difficulty in succeeding in his design, and transferred the administration of justice from the order of Senators to that of the Knights, which was a kind of middle order between the Patricians and Plebeians. These judges were in number three hundred, as the Senators had been whom they succeeded.

From the law *Sempronia* to the death of Cæsar and the times that succeeded it, there had been many variations in respect to the choice of judges. The Knights did not long engross the sole administration of justice. They were sometimes obliged to divide it, and sometimes excluded from it. Pompey added a third order of judges : these were the Tribunes, or keepers of the treasury, *Tribuni ærarii*. Cæsar at length associated the Centurions with them, and Antony carried things to such an excess, as to give even private soldiers admittance to this office. Justice was best administered, when the two orders of Senators and Knights were associated as Judges.

It is remarkable, that in all times when disorder and licentiousness were not excessive, peculiar attention was had, not only to the merit and probity, but the estate and fortune of the judges; no doubt with the view of sparing them the temptation of being corrupted by presents, to which they might have been exposed, if their domestic affairs were in a bad condition.

The Prætor chose the judges yearly out of the Order, and to the number directed either by the law or custom actually in force. The list
on

on which the names of the judges who were to act for one year were set down, was called *Decuria*. The Prætor afterwards distributed them into classes, according to different matters, and kinds of trial, which were also expressed in the law. This division was determined by lot.

There were two kinds of trials. The one related to civil affairs, the causes of private persons, *Judicia privata*: the others had a direct or indirect relation to the interests of the public, *Judicia publica*. The Prætors at first took cognizance only of private affairs: The people reserved others to themselves. They appointed commissioners to preside in this kind of causes, who were called *Quæitores*, *Quæstores*: in which the magistrate himself brought these affairs before the People. Private causes were very seldom brought before them.

The * magistrates usually, for they only had that right, cited persons accused of different crimes that had always some relation, direct or indirect, to the State, before the tribunal of the People. The great Camillus, tho' innocent, was summoned before it by the Tribunes, as having appropriated part of the spoils of Veii to his own advantage.

The proper object of this Tribunal of the People was what was called *crimen perduellionis*, a crime against the State: which included whatsoever infringed the public liberty, and proceeded from a spirit of enmity to the State. *Perduellis* was an old word, that signified *hostis*, enemy. Some authors confound this crime with that called *crimen majestatis*.

* I include the Tribunes of the People in this term, tho' properly speaking, according to Plutarch, they were not magistrates.

The usual punishments inflicted were fines, banishment and death. With whatever warmth the Roman People persecuted a citizen, who was become odious to them, for having opposed their supposed interest with too much vigour, they were very moderate in their condemnations, which seldom exceeded a fine.

The word *banishment* was not expressly used either in their laws or trials. The person condemned was only *prohibited the use of fire and water*, which necessarily implied banishment. The People suffered the accused to prevent judgment, even when it extended to death, and to exempt himself from it, by retiring into voluntary banishment. This made (a) Cicero say, that exile was not punishment, but a port, an asylum, where the accused found security against punishment. The cases however are to be excepted from this indulgence, whereby the public liberty was endangered: for then they shut their eyes to all other objects, and gave intirely into just severity, as in the affair of Manlius, and others of the like nature.

Liv. l. 3. It appears from Livy, that a Roman citizen
13, and was not imprisoned, till he had been first heard
56. and condemned.

Criminals were put to death either by cutting off their heads with the axes carried by the Lic-tors; crucifixion, which was the punishment of slaves; strangling; or being thrown from the Tarpeian rock. In the two first cases the pri-

(a) Exilium non supplicium est, sed perfugium portuque supplicii. Nam qui volunt pœnam aliquam subterfugere, aut calamitatem, eo solum vertunt; — & con-

fugiunt quasi ad aram in exilium——Itaque nulli in lege nostra reperietur, ut apud cæteras civitates maleficium ullum exilio esse munitum. *Pro Cæcin. n. 160.*

soner

soner was always scourged with rods before execution. The scourging and crucifixion of JESUS CHRIST, which had been clearly foretold in the scriptures, could not have happened, if he had not been tried by the Roman magistrate. For the law of Moses did not inflict those two punishments upon the Israelites.

As to those condemned to be strangled, they were executed within the prison. Officers, called *Triumviri*, had the general direction of the prisons, and took care, that every thing passed in them with due order. Valerius Maximus relates a very singular fact upon this subject. A woman of ingenuous birth had been condemned to be strangled, probably either for adultery or poisoning. The Prætor delivered her up to the Triumvir, who caused her to be carried to prison, in order to her being put to death. The goaler, who was ordered to execute her, took compassion upon her, and could not resolve to put her to death. He chose therefore to let her die of hunger. Besides which; he suffered her daughter to see her in prison; taking care however, that she brought her nothing to eat. As this continued many days, he was surprized that the prisoner lived so long without eating, and suspecting the daughter, upon watching her, he discovered that she nourished her mother with her own milk. Amazed at so pious and at the same time so ingenious an invention, he told the fact to the Triumvir, and the Triumvir to the Prætor, who believed the thing merited relating in the assembly of the People. The criminal was pardoned: a decree was passed that the mother and daughter should be subsisted for the rest of their lives at the expence of the public, and that a temple sacred to piety should be erected near the prison.

I should ask pardon for the length of this narration ; but the singularity of the fact drew me into it almost against my will.

In the early times of Rome, justice was administered there much in the manner I have related hitherto : for I have omitted many circumstances. Things subsisted in this condition a considerable length of time. The two Prætors, who remained in the city, presided at trials of private and civil affairs, the one between the citizens, as they expressed themselves ; the other between the citizens and strangers. The four afterwards added for the provinces, as soon as they were nominated by the People, set out each for that which had fallen to him by lot.

A change happened in the manner of administering justice in criminal affairs, when what was called *perpetual questions or enquiries into crimes, quæstiones perpetuæ*, were instituted. The date of them is not certain. They were so called, because the law prescribed the principles, which were regularly and invariably to be followed in trying certain matters of a public nature therein expressed, whereas before, when any of those matters was brought to a trial, a new law was necessary for prescribing the form, and fixing the principles, to be observed in it. The two Prætors for the city continued to exercise their jurisdiction there as before. The four others no longer set out for their provinces immediately after their election as formerly, but continued an whole year in Rome, where they exercised their jurisdiction in respect to public affairs, which were at first reduced to four heads, or crimes : *Repetundarum*, oppressive exactions : *Ambitus*, making corrupt interest for offices : *Majestatis*, treason : *Peculatus*, embezzling the public money. *Repetundæ* was robbing private persons

persons; and *Peculatus* the public. The six Prætors drew lots for these different functions, as well civil as criminal. After the four last had exercised them during an year at Rome, they went to their respective provinces, which also fell to them by lot, and governed there as sovereigns, uniting the military command with the administration of justice during a second year under the title of *Proprætors*.

The number of *perpetual questions*, that is to say, causes relating to the interests of the public, multiplying, the number of Prætors was also augmented, and Sylla added two or four to the six, who had been instituted before.

After what has been said upon the choice of judges, and the diversity of trials, it is time for the Prætor to exercise his office.

As soon as he entered upon it, he declared by a public edict, which was called *edictum perpetuum*, upon what principles of Right causes were to be tried during the year of his Prætorship. This was instituted the 686th year of Rome, in the Consulship of Calpurnius Piso and Acilius Glabrio, by the law *Cornelia*, to obviate the inconvenience of arbitrary decisions, wherein the Prætor and judges observed no other rules than their prejudices or passions.

By this law it was ordained, that the Prætor should be obliged to dispense justice according to the edict, which he should publish on entering upon office. In this sense it was called *perpetual*: for it did not extend to his successors. It did not acquire the name of *perpetual Edict*, till Adrian's time, who caused a collection of the principal edicts to be made by Julian the great civilian, which he confirmed, and gave the title of perpetual edict.

The

The (*a*) place for dispensing justice was not fixed, and depended on the Prætor: wherever the Prætor held his sittings, it was called *Jus*. He held them most commonly in the Forum. The Curule chair on which he sat was placed above the judges, who sat on benches under him. The (*b*) place where the Prætor and judges heard causes, was called the Prætor's Tribunal.

Justice was also dispensed in other places. In Rome there were great and magnificent halls called *Basilicæ*, surrounded with piazzas, where the judges assembled. Quintilian speaks of the (*c*) *Basilica Julia*, where four different tribunals were held at the same time, and observes that an advocate, named Trachalus, had so strong a voice, that pleading at one of those tribunals, he made himself not only be heard but praised and admired at the three others. He speaks also of a famous professor of rhetoric, who (*d*) being to plead his first cause before the Prætor at a Tribunal in the open air, was much confounded and perplexed, because till then he had always spoke within the narrow compass of his school, and demanded as a favour that the Tri-

(*a*) Ubicumque prætor, salva majestate imperii sui, salvoque more majorum jus dicere constituit, is locus recte *jus* appellatur. *Paulus lege 2. Digest. de justitia & jure.*

(*b*) Nobis in Tribunali Q. Pompeii Prætoris urbani sedentibus. *Cic. 1. de Orat. c. 168.*

(*c*) Cum in Basilica Julia Trachalus diceret primo tribunali, quatuor autem judicia, ut moris est, cogerentur

atque omnia clamoribus fremerent, & auditum eum, & intellectum, & quod agentibus ceteris contumeliosissimum fuit, laudatum quoque ex quatuor tribunalibus memini. *Quintil. l. 12. 5.*

(*d*) Cum causa in foro esset oranda, impensè petiit, uti subsellia in Basilicam transferrentur. Ita illi novum cœlum fuit, ut omnis ejus eloquentia contineri tecto ac parietibus videretur, *Quintil. l. 10. 5.*

bunal

bunal might be transferred into a neighbouring *Basilica*.

Justice could be dispensed only on certain days, which were called *dies fasti*. The knowledge of this difference of days, was in early times a kind of mystery, which the Pontiffs had engrossed to themselves, and kept secret, in order to render themselves necessary, and oblige the pleaders to have recourse to them. We shall soon see in the history that the Register Flavius stole their secret, and occasioned their losing much of their credit by making it public.

The Prætor drew by lot out of the judges, chosen to administer justice for the current year, the number necessary for trying the cause in question. That number, which was always odd, was not fixed, but varied according to the difference of causes. Cicero speaks of a cause, *In Pis. n.* wherein there were seventy-five judges, and of ^{96.} another that had thirty-three. In the latter, one of the judges called Stalenus, had received *Pro Cluen.* six hundred and forty thousand sesterces from ^{n. 74.} the accused, that is to say about four thousand pounds sterling. He was to have distributed about 250 pounds to each of the sixteen judges, who composed one half of the voices: and himself the seventeenth made the plurality: but he kept the whole to himself, and the accused was condemned.

Each party in a cause might refuse a certain number of the judges. Accordingly, in Milo's affair, fourscore and one judges were at first appointed to try the cause. After the pleadings, before the judges passed sentence, both the accuser and the accused rejected fifteen, so that the number of the judges was reduced to fifty one. On other occasions the Prætor substituted
others

others in the room of those who had been rejected, and always by lot.

It is remarkable, that the (a) Romans, not only in important causes, but even in those for no more than a small sum of money, would admit no judge that was not accepted by both parties.

The Prætor received the oath of the judges, before they proceeded to try a cause; as for himself he took no oath, because, as we have already observed, he did not act as judge himself, but only collected the voices of the judges, and passed sentence according to the majority.

Amongst the judges, there was one who had a peculiar authority, subordinate to that of the Prætor, but superior to that of the other judges: he was called *Judex questionis*. He had several things confided to his care, to which the Prætor's occupations, or dignity, would not admit him to attend. He heard witnesses; he presided in putting slaves to the question by torture; and examined the papers and titles produced by the parties at law. As different tribunals were held at the same time, at which the Prætor could not be present; these judges (*Judices questionum*) presided in them in their stead.

When every thing was ready, the judges took their seats, and the advocates attended to plead. The custom of (1) Referring causes which had not been sufficiently made out at the hear-

(a) *Neminem voluerunt majores nostri, non modò de existimatione cujusquam, sed ne pecuniaria quidem de re minima esse Judicem, nisi qui inter adversarios convenisset. Pro Cicerone. n. 120.*

(1) *This is a form in the French courts of law, called Appointer un procès, a delay granted for correcting and amending proceedings, proofs, &c. in doubtful cases, and for other reasons.*

ing for the judges to decide concerning them, was not known then. When an affair was not sufficiently cleared up at a first pleading, it was ordered to be tried over again a second time; and if that would not do, a third. There are instances of causes pleaded over again in this manner eight times. This was called *First action*, *second action*, and so on to the rest. We have a famous example of these first and second actions in the cause of Verres.

Cicero had declared himself the accuser of Verres, who had publicly committed unheard of rapine in Sicily, and had made choice of Hortensius for his advocate. The latter took all possible measures to spin out the affair till the next year, when he was to be Consul with Q. Metellus, and M. Metellus was to be Prætor; all three entirely devoted to Verres. Cicero, to disconcert his measures, and cause justice to be done in Sicily, demanded, that he might be permitted to plead his cause at first quite simply, in producing upon each head of accusation the witnesses and proofs, and obliging Hortensius to answer summarily to each fact. Accordingly he pleaded in that manner. The discourse intitled, *Actio prima in C. Verrem*, is the introduction of that first pleading, which had all the success he had hoped from it. Hortensius, disconcerted by this manner of pleading, did not dare to answer it, and Verres, not having been able to corrupt the greatest number of the judges, condemned himself to banishment. The admirable pleadings against Verres which Cicero has left us, would have acquired him universal applause, if he had pronounced them; but they would have required several audiences, and protracted the affair till the year following. He sacrificed the regard for his own reputation
to

to the interest of his clients: but after having made them carry their cause, he took care to make himself amends for his voluntary loss, by giving his pleadings to the public, wherein he supposes that Verres had appeared before the judges in a second action called *comperendinatio*; because when the first action was terminated, * *perendino die*, three days after, the second commenced. We have five of these pleadings, under this title: *Liber 1. Actionis 2æ. in Verrem. Liber 2. &c.*

Several orators sometimes pleaded the same cause. This did not happen only, when there were several persons interested in the same affair, as is every day commonly practised: but different parts of the same pleading were distributed amongst different advocates. Cicero (*a*) says, that in his case, the Peroration or *conclusion upon the whole*, was generally allotted to him, because he was thought the most proper for exciting the passions. Quintilian (*b*) says as much of himself in respect to the narration, or *opening of the cause*. This custom seems odd enough, and is blamed by Cicero in more than one passage of his works.

The advocates were usually allowed as much time for pleading as they thought fit. I am terrified when I read that Pliny the younger spoke seven hours together, whilst nobody was tired but himself. Sometimes a certain space of time was prescribed, which the orator was not allowed to exceed. Cicero complains, that

* Scies igitur cras, aut ad summum perendie. *Cic. ad Attic. l. 12. c. 34.*

(*a*) Si plures dicebamus, perorationem mihi tamen omnes relinquebant. In quo

ut viderer excellere, non ingenio, sed dolore assequebar. *Orat. n. 130.*

(*b*) Ferè ponendæ à me causæ officium exigebatur. *Quintil. l. 4. 2.*

in a certain cause he was limited to half an hour. That time was measured by a water-hour-glass called *clepsydra*. From thence Quintilian says, in speaking of an advocate that loses his time in useless digressions, *temporibus præfinitis aquam perdit*: and of another, who having laboured a long pleading could only pronounce a part of it within the time: *laboratam congestamque dierum & noctium studio actionem aqua deficit*.

When the pleadings, and replies, if there were any, were ended, the Prætor gave the judges the ballots, on which the votes they should think fit to give, were marked. That for acquitting was marked with an A; that to condemn with a C; and the third with N L, which signified *non liquet*, the case is not sufficiently clear. After having received these ballots, the judges conferred together concerning the cause, *in consilium ibant*: after which each of them threw the ballot that expressed his opinion into the urn. This custom was established, that the judge might be entirely free to pass sentence without witnesses: but at the same time it was his duty not to abuse it, by giving his suffrage contrary to justice. Cicero makes a fine reflection upon this head. *The (a) judge in giving his suffrage, ought not to consider himself as alone, nor that he is at liberty to pronounce according to his own inclination; but to represent to himself that he has around him Law, Religion, Equity, Integrity, and Fidelity, which form his council, and ought to dictate his voice.*

(a) Est illud hominis magni atque sapientis, cum illam judicandi causa tabellam sumpserit, non se putare esse solum, neque sibi quodcum-

que concupiverit licere, sed habere in consilio legem, religionem, æquitatem, fidem. *Pro Cluentium. n. 159.*

The Prætor lastly collected the ballots thrown into the urn, and pronounced according to the majority. The form of passing judgment was, for quitting, *Non videtur fecisse*, he does not seem to have committed such an action, or, *jure videtur fecisse*, he seems to have acted with justice: for condemning, *videtur fecisse*, he seems to have committed such an action, or, *non jure videtur fecisse*, he does not seem to have acted justice, for a more ample examination, and a second trial, *Amplius cognoscendum*, or in the single word *Amplius*: from whence came the terms *ampliare*, *Amplius cognoscendum*. The modest turn of phrase, which custom had established in the form of passing judgment, is worthy of observation. As the knowledge of men is always limited, and often subject to error, it was not thought proper, that the Prætor should pass sentence in the affirmative terms, *he has acted unjustly*, &c. but in more modest words, *he seems to have acted unjustly*, &c.

The Prætor usually added to the judgment he pronounced, the punishment to be inflicted upon the criminal. *He seems to have committed violence, wherefore he is prohibited the use of fire and water.*

I reserve what regards the functions of the Ædiles for the beginning of the next volume, to avoid swelling this too much.

End of the second Volume.



ALPHABETICAL.

V O C A B U L A R Y

O F

I T A L Y

PROPERLY SO CALLED,

Wherein the ancient names of Countries, People, Cities, Rivers, that occur in Mr. *Rollin's* Roman History, are rendered in their vulgar and modern names.

By Mr. *D'Anville*, Geographer in Ordinary to
LEWIS XV.

A

ACHERON River, *Bato*.
 Acheruntia, *CerENZA*.
 ÆQUI, part of the country
 of the Sabines, and of the
Campagna di Roma.
 ÆSARUS River, *Isauro*.
 ÆSERNIA, *Isernia*.
 ÆSIS, *J.ffi*.
 ÆSIS River, *Fium-Æsino*.
 ALBA FUCENTIS, *Albi*.
 ALBA LONGA, *Palazzolo*.
 ALLIFÆ, *Alifi*.
 AMERIA, *Amelia*.
 AMITERNUM, *Amiterno roui-*
nato.
 ANAGNIA, *Anagni*.
 ANCONA, *Ancona*.
 ANIO River, *Teverone*.
 ANTIVM, *Torre di Capo d'An-*
tio.
 APULIA, PUGLIA, or LA
 POUILLE.
 ARDEA, *Ardea*.

Ariminum, *Rimini*.
 ARNAS River, *Arno*.
 ARPI, *Arpi*.
 ARPINUM, *Arpino*.
 ARRETIVM, *Arrezzo*.
 ASCULUM APULUM, *Ascoli*.
 ASCULUM PICENUM, *Ascoli*.
 ATERNUS RIVER, *Aterno*.
 AUSIDENA, *Alfidenæ*.
 AUSIDUS RIVER, *Ofanto*.
 AUXIMUM, *Osimo*.

B

Barium, *Bari*.
 Beneventum, *Benevento*.
 BONONIA, *Bologna*.
 BOVIANUM, *Boiano*.
 BRANDUSIVM, *Brindisi*.
 BRUTTIUM, *Calabria*.

C

Cære vel Agylla, *Cer veteri*.
 CALATIA, *Cajazzo*.
 CALES, *Calvi*.
 CAJETA, *Gaeta*.
 CAMERINUM, *Camerino*.

Alphabetical Vocabulary.

CAMPANIA, *Terra di Lavoro.*

Cannæ, *Canna d'aprutta.*

Caniſum, *Canſa.*

Capenz, *Cicciellia di S. Paolo.*

Capreæ Inſ. *Infola de Capri.*

Capua, *S. Maria de Capoa,*
two miles from new Capua.

Caricoli, *Cella di Carſoli, or*
Civita Carentina.

Casilinum, *Near Capua.*

Caudium, *Furchia.*

Cantem-cellæ, *Civita-vec-*
chia.

Cimilus M. & Saltus, *Mon-*
tagna di Viterbo.

Cingulum, *Cingulo.*

Circæum Prom. *Monte Cir-*
cello.

Cianis River, *Chiano.*

Cliternia, *Civita a-Mare.*

Cicſina Palus, *Cibiana.*

Cieſum, *Cliuſi.*

Cocintum Prom. *Capo di*
Stilo.

Compta, *Conza.*

Conſentia, *Cosenza.*

Corſinium, *Valva.*

Crathis River, *Crate.*

Crimſa Prom. *Capo dell' A-*
lice.

Cotrona (Brutii) *Cotrona.*

Crotona (Etruriæ) *Crotone,*

Cumæ, *Cuma.*

Cures, *Correse.*

D

DAUNIA, *Capitanata.*

E

Egnatia, *Torre di Adanazzo.*

ETRURIA vel TUSCIA ;
TUSCANY, *including part*
of the Eccleſiaſtical State to
the weſt of the Tiber.

F

Fæſulæ, *Fieſſe.*

Falerii, *Sta. Maria di Falarì.*

Firmum, *Fermo.*

Florentium, *Firenze, or Flo-*
rence.

Formiæ, *Mola.*

Forum Appii, *Bargo-longo.*

Fregellæ (*no trace of it.*)

Frentani, *part of Abruzzo-*
citerior, of the county of
Moliſa and Capitanata.

Fucinus Lac. *Lago di Celano.*

Fundi, *Fonài.*

G

Galesus River, *Faro.*

Garganus Mons. & Prom.
Monte Sant Angelo.

H

Hadria, *Atri.*

Helia, vel Velia, *Caſtello a-*
Mare della Brucca.

Heraclea (*I do not know its*
modern name.)

Herculis Labronis Portus,
Licorno or Lighorn.

Herculis Prom. *Capo di Spar-*
to-vento.

Herdonea, *Ardena.*

Hernici, *part of the Campag-*
na di Roma.

Hipponium, poſtea Vibo, *Bi-*
rona.

HIRPINI, *part of Terra di*
Lavoro.

Hydruntum, *Otranto.*

I

Iapygium Prom. & Salenti-
num, *Capo di Sta. Maria.*

Iapygum tria Prom. (*the*
principalis called capo Rix-
ento)

Ilva Inſ. *The iſle of Elbe.*

Inter-amnia Nartes, *Terni.*

L

Lacinium Prom. *Capo della*
Colonne.

Larinum, *Larino.*

LATINES, *part of the Cam-*
pagna di Roma.

Lavinium, *Pratica.*

Laurentum, *Torre di Paterno.*

Laus Riv. & cit. *Laino.*

Leuco petra Prom. *Capo dell'*
Armi,

LIGURES,

Alphabetical Vocabulary.

LIGURES. (*Their territory extended on the South of the Apennines to the river Arno, before the bounds of Etruria were carried as far as the river Magra.*)

Liris, prius Clanis, Riv. Garigliano.

Locri Epy-zephyrii, *Motta di Eursano.*

Luca, *Lucca.*

LUCANIA, *Basilicata and part of Terra di Lavoro.*

Luceria, *Lucera delli Pagani.*

M

Macra Riv. *Magra.*

Magelli, *Val di Mugello.*

Marrubium (*there are some traces of it to the east of the Lake di Celano.*)

MARRUCINI, *part of Abruzzo citerior.*

MARSI, *part of Abruzzo ulterior.*

MESSAPIA vel IAPYGIA, *Terra d'Otranto.*

Metapontum, *Torre di Mare.*

Metaurus Riv. (*Brutii*) *Marro.*

Metaurus Riv. *Metro.*

Mevania, *Bevagna.*

Minturnæ, *Garigliano.*

Misenum Prom. *Capo Miseno.*

N

Nar Riv. *Nera.*

Narnia, prius Nequinum, *Narni.*

Neæthus Riv. *Neeto.*

Neapolis, prius Parthenope, *Napoli or Naples.*

Nola, *Nola.*

Nuceria (duplex) *Nocera.*

Nursia, *Norcia.*

O

Oriculum, *Cruiris under Otricoli.*

Ostia (*ruins below new Ostia.*)

P

Pæstum vel Posidonia, *Pesti.*
Polinurum Prom. *Capo di Palimoro.*

Pandosia (*at Volvicara or theriabouts, upon the river Bato, and not near Cosenza.*)

PELIGNI, *part of Abruzzo ulterior.*

Perusio, *Perugea or Percusa.*

Petilia, *Strongoli.*

PEUCETIA, *Terra di Bari.*

Picentia, *Bicenza.*

Picentini, *part of Terra di Lavoro.*

Picenum, *Marquisates of Ancona and Fermo.*

Pinna - Vestina, *Civita de Penna.*

Pisæ, *Pisa.*

Pisaurum, *Petauro.*

Pitheculæ Inf. *Ischia.*

Promptinæ Paludes, *Paludi Pontines.*

Pontia Inf. *Ponza.*

Populonium, *Populonia distrutta.*

Portus Herculis, *Porto Hercole.*

Portus-veneris, *Porto-Venere.*

Potentia (Lucaniæ) *Potenza.*

Potentia (Piceni) *at the mouth of Fiume-Potenza.*

Præneste, *Palestine.*

Prænestina Arx, *Monte S. Pietro.*

Puteoli, *Pozzuolo or Pouzoli.*

Pyxus vel Buxentum, *Policastro, at the mouth of Fiume-Bucento.*

R

Ravenna, *Ravenna.*

Reate, *Riete.*

Rhegium, *Rhegio.*

Rhenus River, *Reno.*

ROMA.

Rubico River, *Rubicone, or Timicino.*

SABINI,

Alphabetical Vocabulary.

S

SABINI, *Sabinia, and part of the dutchy of Spoleto.*

Salapiz, *Salpe.*

SALENTINI, *part of the Terra d'Otranto.*

Salernum, *Salerno.*

Salvia, *Salvi ruinata.*

Samnium, *county of Molise, and part of Terra di Lavoro.*

Scylacium, *Squillace.*

Scylla, *Sciglio.*

Sena-Gallica, *Senigaglia.*

Sena (Julia) *Siena or Sienna.*

SENONES, *dutchy of Urbino.*

Sentinum, *Sentina ruinata.*

Sibaris River, *Sibari.*

Sibaris, *postea Thurii, Sibari ruinata.*

Sinuessæ, *Sinoessa (in ruins.)*

Sipontum, *Siponto ruinato. (Manfredonia has taken its place.)*

Siris River, *Siro.*

Sora, *Sora.*

Soraete, *Ms. Monte di S. Oreste.*

Spoletium, *Spoletto.*

Suessæ - Pometia, *Cisterna-Pontina.*

Sulmo, *Salmona.*

Surrentum, *Sorrento.*

T

Tanager River, *Negro.*

Tarentum, *Tarento or Trent.*

Tarquinius, *la Turcbina.*

Teanum Apulum, *Civitare near Dragonera.*

Teanum Sidicinum, *Fiano.*

Teate, *Tiete or Cbieta.*

Terracina, *prius Anxur, Terracina.*

Tiberis River, *olim Albula, the Tiber or Tevere.*

Tibur, *Tivoli.*

Tifernas River, *Tiferna.*

Tifernum, *Citta di Castello.*

Talentinum, *Tolentino.*

Trasimenus Lac. *Lago di Perugia.*

Truentus River, *Tronto.*

Tusculum, *Frascati.*

V

Vada Valaterrana, *Torri di Vada.*

Vadimonis Lac. *Lago di Bassano.*

Varia, *Vico-Varo.*

Veii *(ruins of it remain.)*

Velitræ, *Velletri.*

Venafrum, *Venafro.*

Venusia, *Venosa.*

Vestini, *part of Abruzzo ulterior.*

Vetulonii, *Vetulia distrutta.*

Umbria, *Ombria and dutchy of Urbino.*

Umbro River, *Ombrone.*

Volaterræ, *Volterra.*

VOLSCI, *part of the Campagna di Roma.*

Urbium (duplex) Hortense, *Urbino.*

Metaureeasæ, *Castel-Durante.*

Vulsinii, *Bolsena.*

Vulsiensis Lac. *Lago di Bolsena.*

Vultur Ms. *(branch of the Appennines.)*

Vulturnus River, *Volturno.*

Z

Zephyrium Prom. *Capo Burzano.*

End of the VOCABULARY.

